

A-Engrossed
Senate Bill 940

Ordered by the Senate April 15
Including Senate Amendments dated April 15

Sponsored by COMMITTEE ON JUDICIARY

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires sheriff to fix date for foreclosure sale. Allows redemption of property sold at foreclosure sale under specified circumstances.

A BILL FOR AN ACT

1
2 Relating to foreclosure of land in irrigation districts; creating new provisions; and amending ORS
3 545.502.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 545.502 is amended to read:

6 545.502. (1) At any time after the delinquency date fixed by the resolution and upon the filing
7 of the notice of claim of lien under ORS 545.494, the board by resolution may direct that all delin-
8 quent incurred charges then unpaid shall be foreclosed by the district. The foreclosure shall follow
9 the general procedure of a suit in equity and be filed in the circuit court for the county in which
10 the land to be foreclosed is situated. If land in two or more counties is to be foreclosed, separate
11 proceedings shall be commenced in each county as to the lands in that county. In addition to such
12 incurred charges being foreclosed, the district may recover in the suit the costs and disbursements
13 and expenses of foreclosure, including but not limited to recording and filing fees, title search fees,
14 foreclosure reports and a reasonable administrative fee. Any number of tracts of land may be fore-
15 closed in the same suit, without regard to whether they are delinquent for the same or different
16 incurred charges, or for the same or several years. The judgment shall order the sale of the
17 property[, *fix the time for holding the sale, which shall not be more than four weeks from the date of*
18 *the judgment,*] and order the sheriff of the county to hold the sale in the same manner as other
19 foreclosure sales. The sheriff shall **fix the time for holding the sale and** give notice of the sale for
20 two consecutive weeks prior to the day of sale by publication of notice once each week in a news-
21 paper published in the county in which the land to be sold is situated. The sheriff shall also post
22 notices in three public and conspicuous places within the county at least two weeks prior to the day
23 of sale. The irrigation district may be a bidder and purchaser of the property at the sale. [*Upon sale*
24 *of the property the sheriff shall issue deed to the property immediately. No right of redemption there-*
25 *after shall exist.*]

26 **(2) Property sold under this section may be redeemed within 90 days from the date of sale**
27 **by the:**

28 **(a) Former owner whose right and title were sold, or the heir, devisee or grantee of the**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 **former owner; or**

2 **(b) Holder of legal or equitable title or lien upon the land.**

3 **(3) A person who redeems the property under subsection (2) of this section shall pay the**
4 **amount of purchase money paid for the property at the sheriff's sale, interest on the pur-**
5 **chase money at the rate of nine percent per annum from the date of sale and any amount**
6 **the purchaser was required to pay in taxes on the property.**

7 [(2)] (4) The court may award reasonable attorney fees to the prevailing party in a foreclosure
8 action under this section.

9 **SECTION 2. The amendments to ORS 545.502 by section 1 of this 2005 Act apply to fore-**
10 **closure sales held on or after the effective date of this 2005 Act.**

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