

Enrolled
Senate Bill 940

Sponsored by COMMITTEE ON JUDICIARY

CHAPTER

AN ACT

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

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

SECTION 1. ORS 545.502 is amended to read:

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

(2) Property sold under this section may be redeemed within 180 days from the date of sale by the:

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

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

(3) A person who redeems the property under subsection (2) of this section shall pay the amount provided in ORS 18.582 (2).

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

SECTION 2. The amendments to ORS 545.502 by section 1 of this 2005 Act apply to foreclosure sales held on or after the effective date of this 2005 Act.

Passed by Senate April 20, 2005

Received by Governor:

Repassed by Senate June 10, 2005

.....M.,....., 2005

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Secretary of Senate

Approved:

.....M.,....., 2005

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President of Senate

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Governor

Passed by House June 6, 2005

Filed in Office of Secretary of State:

.....M.,....., 2005

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Speaker of House

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Secretary of State