

Enrolled House Bill 2920

Sponsored by Representative ESQUIVEL; Representatives BARRETO, HEARD, NEARMAN, SMITH
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CHAPTER

AN ACT

Relating to satisfactions of money awards; creating new provisions; and amending ORS 18.950.

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

SECTION 1. ORS 18.950 is amended to read:

18.950. (1) After the deduction of all sheriff's fees and costs allowed by law that have not been paid by the judgment creditor, and deduction of all other amounts required by law, the sheriff shall deliver all net proceeds from an execution sale to the court administrator with the sheriff's return on the writ. The court shall enter an order of distribution for the proceeds. An order directing distribution to the judgment creditor may be entered ex parte.

(2) A judgment creditor is entitled to recover from the proceeds of the sale all of the following costs of sale paid by the judgment creditor:

- (a) Sheriff's fees;
- (b) The cost of any title report required to determine persons entitled to notice under ORS 18.918 (2);
- (c) The cost of any indemnity bond or letter of credit required by ORS 18.886;
- (d) Amounts that may be recovered by the judgment creditor under ORS 18.999;
- (e) Services fees that may be recovered as costs under ORS 18.912; and
- (f) Recording fees incurred pursuant to ORS 18.870.

(3) The court shall order that the costs specified in subsection (2) of this section be paid before application of the remaining proceeds to satisfaction of the judgment.

(4) If any proceeds from an execution sale remain after the payment of costs under subsection (3) of this section and satisfaction of the judgment, the court administrator shall pay the remaining proceeds as directed by the court in the order of distribution.

(5)(a) Upon receipt of the proceeds of the execution sale of real property, the judgment creditor shall file a satisfaction document as provided in ORS 18.225 for the amount credited against any money award portion of a judgment.

(b) The judgment debtor or other person with an interest in the real property may request in writing to the judgment creditor that the judgment creditor file a satisfaction document. If the judgment creditor does not file a satisfaction document within 10 days after receiving the request, the person making the request may file a motion under ORS 18.235.

(c) If the court finds that the judgment creditor failed to file a satisfaction document under ORS 18.225 within 10 days after receiving a written request under paragraph (b) of this subsection, the court may render a supplemental judgment awarding reasonable attorney

fees to the person making the motion, unless the judgment creditor establishes that the failure to file the satisfaction document was not the fault of the judgment creditor.

SECTION 2. The amendments to ORS 18.950 by section 1 of this 2017 Act apply only to satisfaction documents requested or filed on or after the effective date of this 2017 Act.

Passed by House April 12, 2017

Received by Governor:

Repassed by House May 30, 2017

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Approved:

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

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Kate Brown, Governor

Passed by Senate May 24, 2017

Filed in Office of Secretary of State:

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Peter Courtney, President of Senate

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Dennis Richardson, Secretary of State