

House Bill 2427

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Business and Labor)

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 **as introduced**.

Prohibits exercise of right of redemption if obtained from judgment debtor who resided in fore-closed dwelling after foreclosure judgment and on or before execution sale.

A BILL FOR AN ACT

1
2 Relating to rights of redemption; amending ORS 18.960 and 18.963.

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

4 **SECTION 1.** ORS 18.963 is amended to read:

5 18.963. (1) Subject to subsection [(3)] **(2)** of this section, property that is described in ORS 18.962
6 and that is sold at an execution sale may be redeemed by[:]

7 [(a)] the judgment debtor[:]; **or a lien claimant.**

8 [(b)] *A mortgagor whose interest in the property was sold at the execution sale;*

9 [(c)] *Any person with a lien against the property that has a priority that is inferior to the claim of*
10 *the judgment creditor; or]*

11 [(d)] *The successor in interest of any person described in paragraph (a), (b) or (c) of this*
12 *subsection.]*

13 [(2)] *Subject to subsection (3) of this section, for the purposes of ORS 18.960 to 18.985:]*

14 [(a)] *All references to a judgment debtor include a mortgagor whose interest in the property that*
15 *was sold at the execution sale and any successor in interest to such a mortgagor;]*

16 [(b)] *All references to a judgment debtor include a successor in interest to a judgment debtor; and]*

17 [(c)] *A person described in subsection (1)(c) of this section, and any successor in interest of that*
18 *person, is a lien claimant.]*

19 **(2) The right of redemption described in subsection (1) of this section may not be exer-**
20 **cised by:**

21 [(3)] **(a)** *[Any person described in subsection (1) of this section] A person who [conveys] has*
22 **conveyed** all of the person's interest in property sold on execution *[to a successor in interest may*
23 *not redeem the property].*

24 **(b) A person who acquired redemption rights after the date of the judgment foreclosing**
25 **the lien and on or before the date of the execution sale through a voluntary transfer from**
26 **a judgment debtor who had occupied the property sold on execution as a dwelling at any time**
27 **within three years prior to the execution sale.**

28 **SECTION 2.** ORS 18.960 is amended to read:

29 18.960. As used in ORS 18.960 to 18.985:

30 (1) "Certificate holder" means a person who holds a certificate of sale issued under ORS 18.942
31 or who holds a certificate of redemption issued under ORS 18.975.

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 (2) "Claimant" means a person who claims to have a right to redeem under ORS 18.960 to 18.985.

2 (3) **"Judgment debtor" includes a mortgagor whose interest in the property was sold at**
3 **the execution sale and successors in interest to a judgment debtor.**

4 [(3)] (4) "Land sale contract" means a contract for the transfer or conveyance of an interest in
5 real property. "Land sale contract" does not include earnest money agreements, preliminary sales
6 agreements, options or rights of first refusal.

7 (5) **"Lien claimant" means a claimant based on a lien against a property with a priority**
8 **that is inferior to the claim of the judgment creditor, and the successors in interest to a lien**
9 **claimant.**

10 [(4)] (6) "Redemption" means a [*person other than a judgment debtor*] **lien claimant** who has
11 redeemed property under ORS 18.960 to 18.985.

12 [(5)] (7) "Redemption notice" means a notice described under ORS 18.970.
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