

D R A F T

SUMMARY

Clarifies rights of possession of real property following execution sales.

A BILL FOR AN ACT

1
2 Relating to possession of real property following execution sales; amending
3 ORS 18.946.

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

5 **SECTION 1.** ORS 18.946 is amended to read:

6 18.946. (1) Subject to subsection (2) of this section[,]:

7 (a) The purchaser of real property at an execution sale is entitled to
8 possession of the property from the date of sale until a redemption of the
9 property, if any.

10 (b) [*Subject to subsection (2) of this section,*] The redemptioner of real
11 property is entitled to possession of the property from the date the payment
12 required by ORS 18.966 or 18.967 is made until another redemption, if any.

13 (c) **A purchaser or redemptioner entitled to possession of real
14 property under this subsection may obtain possession of the property
15 from an occupant under ORS 105.105 to 105.168 or another applicable
16 judicial procedure.**

17 [(2) *If property sold on execution or redeemed is in the possession of a
18 tenant who holds the property at the time of the sale under an unexpired lease
19 that has a priority that is inferior to the claim of the judgment creditor, the
20 lessee has the right to remain in possession of the property until expiration of
21 the period allowed for redemption if the lessee makes the lease payments to the*

1 *purchaser or redemptioner, or pays to the purchaser or redemptioner a monthly*
2 *payment equal to the value of the use and occupancy of the property, whichever*
3 *amount is greater.]*

4 **(2) If a tenant possesses real property under an unexpired lease and**
5 **the property is sold on execution to satisfy a judgment with priority**
6 **over the lease, the tenant may remain in possession of the property**
7 **until the expiration of the redemption period if the tenant pays to the**
8 **purchaser or redemptioner the greater of a monthly payment equal to**
9 **the value of the use and occupancy of the property or the lease pay-**
10 **ments.**

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