

House Bill 2952

Sponsored by Representative NELSON; Senators FREDERICK, JAMA (Pre-session filed.)

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act says that more data needs to be included on a some documents. The Act lets a county clerk not accept a document that may be fraudulent. (Flesch Readability Score: 74.0).

Requires more information to be included on a certificate of a notarial act and certain other documents.

Authorizes a county clerk to refuse to accept a document that has any characteristic suggesting it may be fraudulent.

A BILL FOR AN ACT

1
2 Relating to documents; creating new provisions; and amending ORS 87.018, 194.280, 194.285, 205.160,
3 205.232 and 205.234.

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

5 **SECTION 1.** ORS 194.280 is amended to read:

6 194.280. (1) A notarial act must be evidenced by a certificate. The certificate must:

7 (a) Be signed and dated by the notarial officer and, if the notarial officer is a notary public, be
8 signed in the same manner as on file with the Secretary of State;

9 **(b) Identify the type of document that is the subject of the notarial act, if any, and the**
10 **number of pages included in the document;**

11 *[(b)]* **(c)** Identify the jurisdiction in which the notarial act is performed;

12 *[(c)]* **(d)** Contain the title of office of the notarial officer;

13 *[(d)]* **(e)** Contain the name of the person for whom the notarial act is performed **and, if appli-**
14 **cable, the representative capacity of the person for whom the notarial act is performed;** and

15 *[(e)]* **(f)** If the notarial officer is a notary public, indicate the date of expiration, if any, of the
16 officer's commission.

17 (2) The notarial officer may subsequently correct any information included on or omitted from
18 the certificate.

19 (3) Except as provided in subsection (8) of this section, if a notarial act regarding a tangible
20 record is performed by a notary public, an official stamp must be affixed to the certificate. If a
21 notarial act regarding a tangible record is performed by a notarial officer other than a notary public
22 and the certificate contains the information specified in subsection (1)(a) to *[(d)]* **(e)** of this section,
23 an official stamp may be affixed to the certificate. If a notarial act regarding an electronic record
24 is performed by a notarial officer and the certificate contains the information specified in subsection
25 (1)(a) to *[(d)]* **(e)** of this section, an official stamp may be attached to or logically associated with
26 the certificate.

27 (4) A certificate of a notarial act is sufficient if it meets the requirements of subsections (1) to
28 (3) of this section and:

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 (a) Is in a short form set forth in ORS 194.285;
- 2 (b) Is in a form otherwise permitted by the law of this state;
- 3 (c) Is in a form permitted by the law applicable in the jurisdiction in which the notarial act was
- 4 performed; or

5 (d) Sets forth the actions of the notarial officer and the actions are sufficient to meet the re-
 6 quirements of the notarial act as provided in ORS 194.230, 194.235 and 194.240 or law of this state
 7 other than this chapter.

8 (5) By executing a certificate of a notarial act, a notarial officer certifies that the officer has
 9 complied with the requirements and made the determinations specified in ORS 194.225, 194.230,
 10 194.235 and 194.240.

11 (6) A notarial officer may not affix or attach the officer’s signature to, or logically associate it
 12 with, a certificate until the notarial act has been performed.

13 (7) If a notarial act is performed regarding a tangible record, a certificate of a notarial act must
 14 be part of or securely affixed to the record. If a notarial act is performed regarding an electronic
 15 record, the certificate must be attached to or logically associated with the electronic record. If the
 16 Secretary of State by rule has established standards pursuant to ORS 194.360 for affixing, attaching
 17 or logically associating the certificate, the process must conform to the standards.

18 (8) The imprint of the official stamp of a notary public is not required to effectuate a
 19 notarization of a subdivision or partition plat required under ORS 92.010 to 92.192 or a condominium
 20 plat required under ORS 100.115, or any replat, supplement or amendment thereto, if the following
 21 appear below the notary public’s signature:

- 22 (a) The printed name of the notary public;
- 23 (b) The words “NOTARY PUBLIC - OREGON”;
- 24 (c) The words “COMMISSION NO.” immediately followed by the notary public’s commission
- 25 number; and
- 26 (d) The words “MY COMMISSION EXPIRES” immediately followed by the date the notary
- 27 public’s commission expires, expressed in terms of the month, by name not abbreviated, two-digit
- 28 date and four-digit year.

29 **SECTION 2.** ORS 194.285 is amended to read:

30 194.285. The following short form certificates of notarial acts are sufficient for the purposes in-
 31 dicated, if completed with the information required by ORS 194.280 (1) to (3):

34 (1) For an acknowledgment in an individual capacity:

35 State of _____

36 County of _____

37

38 This [record] _____ (**document type**) containing _____ **pages** was acknowl-
 39 edged before me on (date) _____ by (name(s) of individual(s)) _____, **Title(s) of**
 40 **individual(s):** _____.

41 Signature of notarial officer: _____

42 Stamp (if required):

43 Title of office: _____

44 My commission expires: _____

45

1 (2) For an acknowledgment in a representative capacity:

2 State of _____

3 County of _____

4

5 This [record] _____ (**document type**) containing _____ **pages** was acknowl-
6 edged before me on (date) _____ by (name(s) of individual(s)) _____, **Title(s) of**
7 **individual(s):** _____, as (type of authority, such as officer or trustee) _____ of
8 (name of party on behalf of whom record was executed) _____.

9 Signature of notarial officer: _____

10 Stamp (if required):

11 Title of office: _____

12 My commission expires: _____

13

14 (3) For a verification on oath or affirmation:

15 State of _____

16 County of _____

17

18 Signed and sworn to (or affirmed) before me on (date) _____ by (name(s) of individual(s))
19 making statement _____.

20 Signature of notarial officer:

21 Stamp (if required):

22 Title of office: _____

23 My commission expires: _____

24

25 (4) For witnessing or attesting a signature:

26 State of _____

27 County of _____

28 Signed (or attested) before me on (date) _____ by (name(s) of individual(s))
29 _____.

30 Signature of notarial officer: _____

31 Stamp (if required):

32 Title of office: _____

33 My commission expires: _____

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35 (5) For certifying or attesting a copy of a record:

36 State of _____

37 County of _____

38 I certify (or attest) that this is a true and correct copy of a record in the possession of
39 _____.

40 Dated _____

41 Signature of notarial officer: _____

42 Stamp (if required):

43 Title of office: _____

44 My commission expires: _____

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SECTION 3. ORS 205.160 is amended to read:

205.160. (1) The county clerk shall keep a direct general index and an indirect general index in the office of the clerk.

(2) The direct general index shall contain, but need not be limited to, the following:

- (a) Date and time of reception.
- (b) Names of grantors.
- (c) Names of grantees.
- (d) Nature or type of instrument.
- (e) Volume and page where recorded or the instrument number.
- (f) Remarks.
- (g) Brief description of tract.
- (h) To whom delivered.
- (i) Fees received.

(3) The clerk shall make correct entries in the direct general index of every instrument recorded under the appropriate heading, entering the names of the grantors in alphabetical order.

(4) The indirect general index shall contain, but need not be limited to, the following:

- (a) Date and time of reception.
- (b) Names of grantees.
- (c) Names of grantors.
- (d) Nature or type of instrument.
- (e) Volume and page where recorded or the instrument number.
- (f) Remarks.
- (g) Brief description of tract.

(h) Parcel identification number, which shall be of a kind selected for use in the county by the county clerk in consultation with the county assessor.

(i) Names and, if applicable, commission numbers of notaries public.

(5) The clerk shall make in the indirect general index correct entries of every instrument required by law to be entered in the **direct** general index [*direct*], entering the names of the grantors in alphabetical order.

(6) Whenever any mortgage, bond, judgment or other instrument has been released or discharged from record, or by recording a deed or lease, the clerk shall immediately note in both the direct general index and the indirect general index under the column headed "Remarks," and opposite the appropriate entry, that such instrument has been satisfied.

(7) In lieu of both the direct general index and the indirect general index a county clerk may use a data processing device or computer to provide a combined index to books or records defined in law that shall contain the following:

- (a) Date and time of reception.
- (b) Names of grantees.
- (c) Names of grantors.
- (d) Nature or type of instrument.
- (e) Recording number.
- (f) Brief description of tract.
- (g) To whom delivered.
- (h) Fees received.

1 (i) When available, a reference to the instrument being released or discharged.

2 (j) Such other information as the county clerk may require.

3 (8) The county clerk shall provide public access to the combined index and otherwise meet
4 *[the]* **applicable** requirements of ORS chapter 192.

5 **SECTION 4.** ORS 205.232 is amended to read:

6 205.232. (1)(a) Except as provided in ORS 205.327, a county clerk shall not accept any instru-
7 ment for recording unless the text of the instrument is typed, written or printed in 10-point type or
8 larger on paper that is not larger than 14 inches long and 8-1/2 inches wide and which paper is of
9 sufficient quality for recording photographically.

10 (b) *[However, this section]* **Paragraph (a) of this subsection** does not apply to out-of-state
11 notarial acts or to certified copies of public records presented to a county clerk for recording.

12 **(2) A county clerk may refuse to accept a document that has any characteristic sug-**
13 **gesting it may be fraudulent.**

14 **SECTION 5.** ORS 205.234 is amended to read:

15 205.234. (1) When an instrument is presented to a county clerk for recording, the first page of
16 the instrument must contain at least:

17 (a) The names of the transactions as required in ORS 205.236;

18 (b) The names of the persons described in ORS 205.125 (1)(a) and (b) and 205.160;

19 (c) The person to whom and, for mailing purposes only, the address to which the instrument will
20 be delivered as provided in ORS 205.180;

21 (d) For instruments that convey or contract to convey fee title to real estate and for memoranda
22 of the instruments, the true and actual consideration paid for the transfer as required by ORS
23 93.030;

24 (e) For instruments that convey or contract to convey fee title to real estate, the tax statement
25 information required by ORS 93.260;

26 **(f) For instruments that convey or establish an interest in real estate, the parcel iden-**
27 **tification number for the affected parcel.**

28 *[(f)]* (g) For instruments recorded in the County Clerk Lien Record, the information described
29 in ORS 205.125 (1)(c) and (e); and

30 *[(g)]* (h) For instruments that assign a mortgage or trust deed, the name and address of the
31 assignee mortgagee or assignee trust deed beneficiary.

32 (2)(a) Notwithstanding ORS 205.327, if an instrument presented for recording does not contain
33 the information required by subsection (1) of this section, a cover sheet may be prepared that con-
34 tains the required information. The person that presents the instrument for recording shall prepare
35 the cover sheet. The cover sheet may be attached to the instrument and must be recorded as a part
36 of the instrument.

37 (b) Any errors in the cover sheet do not affect the transactions contained in the instrument.

38 (c) The cover sheet need not be separately signed or acknowledged.

39 **SECTION 6.** ORS 87.018 is amended to read:

40 87.018. (1) Except as provided in ORS 87.093, all notices required under ORS 87.001 to 87.060
41 and 87.075 to 87.093 must be in writing and be delivered in person or by registered or certified mail.

42 (2) A notice that must be given under ORS 87.001 to 87.060 or 87.075 to 87.093 to a mortgagee
43 must be delivered to the mortgagee only if the name and address of the mortgagee appear in a
44 mortgage of record or a trust deed of record as required under ORS 205.234 (1)(b) or in the instru-
45 ment that assigns a mortgage or trust deed as required under ORS 205.234 *[(1)(g)]* (1)(h).

1 **SECTION 7. The amendments to ORS 194.280 and 194.285 by sections 1 and 2 of this 2025**
2 **Act apply to notarial acts performed on or after the effective date of this 2025 Act.**
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