

HB 2089-2  
(LC 2239)  
3/21/25 (ASD/ps)

Requested by Representative LEVY E

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2089**

- 1 On page 1 of the printed bill, line 3, after “ORS” insert “98.352,”.
- 2 Delete lines 17 through 21 and insert:
- 3 “(B) Delivery of notice to any owners, lienholders and mortgagees, as
- 4 shown in the county deed records, of each property included on the foreclo-
- 5 sure list at the address or addresses as reflected in the county records under
- 6 ORS 93.260, 311.555 or 311.560.”.
- 7 On page 2, line 1, delete “or heirs of deceased owners”.
- 8 Delete lines 4 through 7 and insert:
- 9 “(3)(a) Each notice of a foreclosure proceeding shall include:”.
- 10 In line 44, delete “(c)” and insert “(b)”.
- 11 In line 45, delete “(b)(B)” and insert “(a)(B)”.
- 12 On page 3, line 21, delete “or heirs of”.
- 13 In line 22, delete “deceased owners”.
- 14 Delete lines 25 through 30 and insert:
- 15 “(2) Each notice of the expiration of the period of redemption shall in-
- 16 clude:
- 17 “(a) The exact amount of unpaid taxes owed, including interest and fees.
- 18 “(b) The following language, in capital letters, in at least 20-point
- 19 type:”.
- 20 On page 4, delete lines 13 through 27 and insert:
- 21 “(c) The date of the judgment;

1 “(d) The date of expiration of the period of redemption;

2 “(e) A warning to the effect that the property ordered sold under the  
3 judgment, unless sooner redeemed, will be deeded to the county immediately  
4 on expiration of the period of redemption;

5 “(f) A legal description of the property and a tax account number;

6 “(g) The name of the owner as it appears on the latest tax roll;

7 “(h) Information regarding an owner’s right to claim a surplus, if any,  
8 under sections 3 to 9 of this 2025 Act;

9 “(i) Information regarding local lawyer referral services, legal aid pro-  
10 grams or foreclosure avoidance programs known by the county and operated  
11 by local state agencies, the Oregon State Bar or charitable nonprofit organ-  
12 izations that may be able to provide the owner with assistance in the fore-  
13 closure process; and

14 “(j) Information regarding any relief programs including but not limited  
15 to exemptions, grants or payment plans that are available to the owner.”.

16 On page 6, delete lines 1 and 2.

17 In line 3, delete “(3)” and insert “(2)”.

18 In line 30, delete “(4)” and insert “(3)”.

19 On page 7, delete lines 23 through 31 and insert:

20 “(1) Except as provided in subsections (2) and (4) of this section, after the  
21 expiration of the statutory redemption period under ORS 312.120 or 312.122,  
22 the county shall sell property that is residential or occupied by listing the  
23 property for sale, with a real estate broker or agent who does not hold an  
24 elected or appointed office and is not employed by any government entity,  
25 at the highest price at which the property is reasonably expected to sell.

26 “(2)(a) The county shall conduct a public, high-bid auction for sale of the  
27 property if:

28 “(A) After three attempts, the county is unable to enter into an agreement  
29 with a real estate broker or agent for the sale of the property in accordance  
30 with subsection (1) of this section;

1 “(B) The real estate broker or agent described in subsection (1) of this  
2 section is unable to sell the property within 12 months after listing the  
3 property; or

4 “(C) The property is not property described in subsection (1) of this sec-  
5 tion.”.

6 On page 8, line 31, delete “\$10,000” and insert “\$50,000”.

7 On page 9, delete line 45 and on page 10 delete lines 1 through 4 and in-  
8 sert:

9 “(2)(a) Except as provided in paragraph (b) of this subsection, the gov-  
10 erning body of the county shall file the report and deliver a surplus in the  
11 amount determined under section 7 of this 2025 Act to the State Treasurer  
12 for deposit as provided in ORS 98.352.

13 “(b) Notwithstanding ORS 98.352 (4), the governing body shall file the  
14 report and deliver the surplus within 30 days after the date on which the  
15 surplus is determined.

16 “(3) The report shall include:

17 “(a) The information required under ORS 98.352 (2); and

18 “(b) An itemized accounting of all allowable costs deducted from the value  
19 of the property when determining the surplus under section 7 (3) of this 2025  
20 Act.

21 “(4) The State Treasurer may adopt rules governing the reports required  
22 under this section.

23 “(5)(a) Except as provided in paragraph (b) of this subsection, no person  
24 may maintain an action for damages incurred as a result of the performance  
25 of duties or exercise of authority under sections 3 to 9 of this 2025 Act by  
26 the State Treasurer or the respective officers, employees or agents of the  
27 State Treasurer and the several counties.

28 “(b) The immunity provided in paragraph (a) of this subsection does not  
29 apply to the liability of any person for damages resulting from gross  
30 negligence, fraud or abuse.

1       **“SECTION 10.** ORS 98.352 is amended to read:

2       “98.352. (1) A holder of property presumed abandoned under ORS 98.302  
3 to 98.436 and 98.992 shall deliver to the State Treasurer the report described  
4 in subsection (2) of this section and shall pay or deliver to the State Treas-  
5 urer, for deposit in the Unclaimed Property and Estates Fund, all property  
6 presumed abandoned, except that for the following funds the holder is not  
7 required to deliver the funds presumed abandoned to the State Treasurer:

8       “(a) Funds transferred to the General Fund under ORS 293.455 (1)(a).

9       “(b) Funds in the possession of the Child Support Program described in  
10 ORS 180.345.

11       “(c) Funds described in ORS 9.725 (3) or 98.386 (2) that are held in lawyer  
12 trust accounts or in the possession of the Oregon State Bar.

13       “(2) A report must include:

14       “(a) Except with respect to traveler’s checks and money orders, the name,  
15 if known, and address, if known, of each person appearing from the records  
16 of the holder to be the owner of any property of value of \$50 or more pre-  
17 sumed abandoned under ORS 98.302 to 98.436 and 98.992;

18       “(b) In case of unclaimed funds of life insurance corporations, the full  
19 name of the insured or annuitant and last-known address according to the  
20 life insurance corporation’s records;

21       “(c) The nature and identifying number, if any, or description of the  
22 property and the amount appearing from the records to be due, except that  
23 items of value under \$50 each may be reported in aggregate;

24       “(d) The date when the property became payable, demandable, or return-  
25 able, and the date of the last transaction with the owner with respect to the  
26 property; and

27       “(e) Other information that the State Treasurer prescribes by rule as  
28 necessary for the administration of ORS 98.302 to 98.436 and 98.992.

29       “(3) If the holder of property presumed abandoned is a successor to other  
30 holders or has had a name change while holding the property, the holder

1 shall file with the report all prior known names and addresses and effective  
2 dates of changes.

3 “(4) **Except as otherwise provided under section 9 (2) of this 2025**  
4 **Act**, the holder shall file the report after October 1, but no later than No-  
5 vember 1, of each year for accounts dormant as of June 30. Upon written  
6 request from any person required to file a report, the State Treasurer may  
7 postpone the reporting date. All records are exempt from public review for  
8 12 months from the time the property is reportable and for 24 months after  
9 the property has been remitted to the State Treasurer. All lists of records  
10 or property held by a government or public authority under ORS 98.336 are  
11 exempt from public review until 24 months after the property is remitted to  
12 the State Treasurer.

13 “(5) If the holder of property presumed abandoned under ORS 98.302 to  
14 98.436 and 98.992 knows the whereabouts of the owner and if the owner’s  
15 claim is not barred by the statute of limitations, the holder shall, before  
16 filing the report, communicate with the owner and take necessary steps to  
17 prevent abandonment from being presumed. The holder shall exercise due  
18 diligence to ascertain the whereabouts of the owner at least 60 days before  
19 filing the report.

20 “(6) If the property presumed abandoned is a lawyer trust account estab-  
21 lished by an attorney or law firm, the report required by this section must  
22 indicate that the account is a lawyer trust account.

23 “(7) The holder shall verify the accuracy of the information contained in  
24 the report. Verification must be executed by a partner if made by a part-  
25 nership, by an officer if made by an unincorporated association or private  
26 corporation and by the chief fiscal officer if made by a public  
27 corporation.”.

28 In line 8, delete “(10)” and insert “(11)”.

29 In line 10, delete “(11)” and insert “(12)”.

30 In line 17, delete “(12)” and insert “(13)”.

1 In line 23, delete “(13)” and insert “(14)”.

2

---