

Suggested Pre-Sale Changes

Five Years Through Three Years Prior to Deed to County

Tax statements indicating past due amounts sent annually to property owners per ORS 311.250

Delinquent tax notices sent annually to property owners per ORS 311.345

- Interest groups recommend notices are drafted in the most commonly used languages in the County. ([Secretary of State ORS 251.167](#))

Two Years Prior to Deed to County

Intent to Foreclose mailed to owner & mortgagee via certified and first-class mail two years prior to county taking deed per ORS 312.040

- Interest groups recommend notices are drafted in the most commonly used languages in the County. ([Secretary of State ORS 251.167](#))

Foreclosure list published in newspaper per ORS 312.040 & 312.060

- County recommendation to allow posting to county website.

One Year Prior to Redemption Period Expiring

Notice of Expiration of Redemption Period sent to anyone with a recorded interest in the property at time of initiating foreclosure proceedings per ORS 312.125

- Interest groups recommend notices are drafted in the most commonly used languages in the County. ([Secretary of State ORS 251.167](#))

One Month prior to Redemption Period Expiring

General Notice of Expiration of Redemption Period printed twice in a newspaper of general circulation 10 – 30 days prior to expiration of the redemption period per ORS 312.190

- County recommendation to allow posting to county website.

Outstanding Questions

Is there additional clarification needed regarding noticing? Some recommendations from counties:

- Include notification of the potential surplus in the one-year redemption notice already required under ORS 312.125.

- Require written notice be sent to the former owner at their last known address no less than 180 days before the filing deadline.
- County website must publicly post all available surplus proceeds, along with an adequate property description and the respective former owner's name.
- Annual newspaper posting of expiring surplus claims no later than 60 days before the filing deadline.

Suggested Post-Sale Timeline

Immediately After Sale

Counties receive funds from sale and pay all past due taxes, fees, and admin costs.

- County recommendation to expand statute to allow for reimbursement of all expenses in administering the surplus process, in addition to the expenses already deductible under ORS 275.275.

County notifies the Department of Justice of excess proceeds available for each individual owner.

County deposits proceeds to an escrow account and holds for 30 Days.

DOJ may assert claims and issue garnishments to the county for any relevant DOJ liens against individual property owners within this timeframe.

- Other holders of secured priority liens, such as mechanics liens, may also assert claims during this time.
- Language will need to be included in legislation to specifically allow DOJ to issue garnishments to the counties.

30 Days Post Sale

County disburses any available funds to DOJ and/or other priority secured lienholders to pay individual liens per DOJ/lienholder claims.

After any available funds have been disbursed towards DOJ or other priority secured liens, Counties will clear the escrow account and forward remaining funds, along with relevant owners/party of interest info on a per-account basis, to the Department of Treasury. At this point DOT would assume responsibility for processing, validating, and paying claims, and counties would be held harmless for any errors in disbursing funds to an incorrect claimant. Property owners would utilize the existing unclaimed property process through the Department of Treasury to make a claim for any surplus funds.

- Counties would include information regarding the DOT unclaimed property/surplus funds process on their websites and in communications to the property owner.

Claimants must file claims with DOT within the timelines set forth in statute:

- One year from the date the property is sold or conveyed to a third-party up to a maximum of two years from the date the property is deeded to the county under ORS 312.122 or 312.200;
- One year from the date the county makes a determination that the county will retain the property for public purposes up to a maximum of two years from the date the property is deeded to the county under ORS 312.122 or 312.200; or
- If no action is otherwise taken by the county, two years from date the property is deeded to the county under ORS 312.122 or 312.200.

Outstanding Questions

- Who is a claimant?
- What happens to unclaimed surplus funds at the end of the claim period?
- How will assignment of claims to third parties be handled?
- How is surplus determined/what is the process in the event a county retains a property?