

# Oregon (OR) Foreclosure Laws

When you develop a definite plan of action with well-timed, well-informed steps, you can stop the foreclosure process and save your home. We have outlined the foreclosure process for the state of Oregon .

## **Judicial Foreclosure Available:**yes

## **Non-judicial Foreclosure Available:**yes

Foreclosure in Oregon may be either by court action or by advertisement and sale, if there is a default.

## **Non-judicial Foreclosure Preliminary Notices**

### **Recording**

The trustee must record a notice of default.

### **Contents of Notice of Sale**

The notice of sale should include a property description, recording information on the trust deed, a description of the default, the sum owing on the loan, the lender's election to sell and the date, time and place of sale.

### **Mailing**

After recording the Notice of Default and at least 120 days before the foreclosure sale, notice of the sale must be either served or mailed by both first class and certified mail to the borrower, the Department of Revenue, any owner of record and any person requesting notice.

### **Service**

A copy of the notice of sale must be served on the occupant of the property 120 days before the foreclosure sale day.

### **Advertising**

A copy of the notice must be published once a week for four successive weeks. The last publication must be made at least 20 days prior to the foreclosure sale day. The trustee must prepare and record an affidavit stating that the proper notices and advertising have been given.

### **Cure**

The borrower, or any junior lien holder or claimant may cure the default prior to foreclosure by paying all past due sums plus costs, which would be the missed payments and costs. On a residential trust deed foreclosure, the borrower may be charged the lesser of the actual charges or a total of \$550 for trustee's and attorney's fees. Reasonable charges may be made for other foreclosures.

### **Sale Procedures**

#### **Date**

The date shall be the date given in the notice.

#### **Time and Place**

The sale must be conducted between 9 a.m. and 4 p.m. at a place designated in the notice.

#### **Manner**

The sale must be at auction to the highest bidder for cash. Any person, including the lender but excluding the trustee, may bid at the foreclosure sale. The purchaser must pay the bid price at the time of the sale. The trustee must give the buyer a deed within ten days. The buyer is also entitled to possession within ten days. The sale may be postponed, up to 180 days, provided 20 days' advance notice is given by mail to the same persons as the original notice. A new time and place must be specified.

### **Special Procedures**

If the foreclosure is stayed by bankruptcy, the trustee may give an amended notice of sale and sell the property with only 20 days' notice as soon as the bankruptcy stay is lifted.

### **Deficiency**

A deficiency judgment cannot be obtained through a non-judicial deed of trust foreclosure by advertisement. On commercial property secured by a trust deed, a deficiency judgment can be obtained by filing suit, but not on property covered by a purchase money mortgage. A purchase money mortgage is any mortgage where the unpaid balance is \$50,000 on a primary or secondary single family residence. There are no other particular limits on deficiency judgments.

### **Redemption**

A person who was entitled to receive notice of the foreclosure but did not receive it may sue to invalidate the foreclosure and redeem the property for a period of five years following the sale. On a judicial foreclosure, the borrower or a successor in interest may redeem property within 180 days after sale by paying the purchase price plus 9 percent plus the foreclosure purchaser's expenses in operating and maintaining the property. A notice of no less than 2 nor more than 30 days must be given to the sheriff to redeem. There are restrictions on redemption rights if the borrower has transferred the property.