Chapter 311

2009 EDITION

Collection of Property Taxes

GENERAL PROVISIONS

311.005 "Tax collector" defined

311.010 "County court" defined

311.015 Recovery of damages and costs by person injured by false return or fraudulent act of tax collector

311.020 Collection procedure when offices of assessor and tax collector combined

TAX COLLECTOR

311.055 Tax collector

311.060 Bond

311.065 Deputies and clerical assistance

311.070 Tax collecting functions of sheriff transferred to designated tax collector

311.075 Tax collecting obligations transferred to tax collector; pending proceedings unaffected

PREPARING TAX ROLLS; RESTORATION AFTER DAMAGE

311.105 Certificate of taxes levied or imposed; preparation; contents; delivery

311.110 Warrant of clerk authorizing collection of taxes

311.115 Delivery of assessment roll to tax collector; tax roll

311.120 Adding uncollected tax to tax for succeeding year; placing property as to which tax adjudged void upon rolls; relisting, reassessment and relevying

311.125 Entering delinquent taxes on tax roll

311.135 Restoration of current assessment roll after destruction or damage

311.140 Restoration of tax rolls after destruction or damage; preparing transcripts as rolls for unpaid taxes

311.145 Supplying materials and clerical help to restore rolls

311.150 Adding to, changing or correcting rolls by vouchers; preservation of vouchers

311.160 Correction of rolls to reflect order on appeal of large amount of value; disposition of additional taxes; interest; limited to appeals from tax years before 1997-1998

311.165 Collection of taxes upon severance or removal of improvements from the land

STATE REPLACEMENT OBLIGATION OF REVENUE LOST BY PUBLIC SCHOOLS UNDER CONSTITUTIONAL LIMIT ON AMOUNT OF PROPERTY TAX; CALCULATION; REPORTS

311.175 Loss of revenue by school taxing districts; calculation; report; preparation

311.177 Amount of taxes certified for school taxing districts and county school fund for 1990-1991; report; preparation

311.179 State school revenue replacement obligation for 1991-1992; calculation; report; preparation

311.181 State school revenue replacement obligation for 1992-1993 through 1995-1996; calculation; reports; preparation

311.183 Correction of errors in reports; presentation of reports and corrections to legislative committees

CORRECTING ERRORS OR OMISSIONS IN ROLLS

311.205 Correcting errors or omissions in rolls

311.206 Additional taxes resulting from correction of error or omission; date of delinquency; limitations

311.208 Notice required when current roll corrections increase value; time for payment of additional taxes

311.216 Notice of intention to add omitted property to rolls; treatment of unreported property; treatment of understated property; duty of tax collector

311.219 Notice of intention to assess omitted property

311.223 Correction of rolls; filing statement of facts; notice to taxpayer; powers of assessor; appeal

311.226 Tax assessed on omitted property deemed imposed in year for which property was omitted

311.229 Taxes added to rolls become liens; delinquency of additional taxes; interest

311.232 Mandamus to require placing of omitted property on roll

311.234 Correction in maximum assessed value; requirements; limitation; filing deadline; appeals

311.235 Bona fide purchaser; when taxes become lien

TIME AND MANNER OF COLLECTION

311.250 Tax statements; rules

311.252 Copy of tax statement to be sent to mortgagee paying taxes; procedure when information otherwise transmitted

311.253 Use of computer record to comply with ORS 311.250; agreement to use record instead of tax statements; rules

311.255 Taxes, other charges of taxing agencies and water improvement company charges collected with county taxes

311.260 Payment of taxes in lawful money

311.265 Payment of taxes with warrants

311.270 Discounting county orders prohibited

311.275 Grantor and grantee or buyer and seller proportionally liable

311.280 Payment of taxes on part of property assessed as one parcel; division; when division not allowed; division between manufactured structure and parcel

311.285 Right of action of occupant or tenant paying tax against person who should pay; retention out of rent

311.345 Recovery of damages and interest for failure to settle taxes on assessment roll or for withholding payment of public moneys

311.350 Money received for specific object to be kept in proper fund

311.356 Receipt by tax collector of property tax payments; crediting payments

311.361 Form of tax receipt; numbering; taxpayer's copy; temporary receipt; destruction of receipts

311.370 Receipts for taxes collected in advance of extension on the tax roll; entries in assessment roll; deposit of moneys in special account; posting payments; excess collections or deficiencies; reimbursement for refunds

TAX DISTRIBUTION PROCEDURE

311.375 Forwarding state taxes by county treasurers

311.385 Deposit in unsegregated tax collections account; time requirements

311.388 Additional taxes or penalties; deposit; distribution

311.390 Tax and interest distribution percentage schedule; deduction of certain amounts distributable to municipal corporations; changed or additional levies

311.391 Notice to taxing districts of amount of taxes imposed on property for tax year

311.392 County's option to advance to municipalities taxes levied prior to collection

311.395 Periodic statements of tax collections; crediting to funds; distribution to taxing units

TAX LIENS; SUMMARY COLLECTIONS

(Generally)

311.405 Tax as lien; priority; effect of removal, sale or transfer of personal property

311.410 Effect of property transfer or lease termination on lien and on taxability of property

311.412 Effect of acquisition of property by state or political subdivision by eminent domain on taxes for prior fiscal years

311.413 Effect of acquisition of property by state or political subdivision by eminent domain on taxes for current fiscal year

311.414 Date of acquisition for purposes of ORS 311.412 and 311.413

311.415 Payment of taxes before entry of judgment or order in certain causes

311.420 Dissipation, removal or destruction of value of realty subsequent to assessment or tax day

311.425 Removing timber before paying taxes on timber or land prohibited; enjoining the cutting or removing of timber

311.430 Remedy of ORS 311.420 and 311.425 as cumulative

311.455 Tax on personal property as debt; action for collection of tax

311.465 Summary collection of delinquent tax or tax on property about to be removed, sold or destroyed

311.467 Review of assessor's action under expedited collection provisions

311.470 Distraining property about to be removed from state or dissipated

311.473 Foreclosure sale of property to be removed from county; required notice by financial institution; recourse for failure to give notice

311.475 Collecting and remitting taxes on property removed from one county to another

(Bankruptcy Collections)

311.480 Bankruptcy accelerates property taxes; presenting claim

311.484 Property tax bankruptcy account

311.489 Bankruptcy collections efforts report

DELINQUENT TAXES; COLLECTION

311.505 Due dates; interest on late payments; discounts on early payments

311.506 Review of rate of interest by Legislative Assembly

311.507 Discount allowed for certain late payments

311.508 Disposition of interest on late payments; certification of estimated interest

311.510 Date of delinquency

311.512 Collection of taxes on manufactured structures

311.513 Collection of taxes due upon resolution of appeal

311.514 Computation of interest when interest computation date falls on Saturday, Sunday or legal holiday

311.515 Partial payments

311.520 When cities exempt from penalty and interest

311.525 Property acquired by state remains subject to tax lien; cancellation of interest and penalties

311.531 Tax collector to file annual statement compiled from tax rolls

311.545 Notice of delinquent taxes on real property

311.547 Notice of delinquent taxes on personal property

311.550 Return address on envelope containing notice

311.555 Property owners to furnish addresses

311.560 Noting address on tax roll

311.565 Effect of tax collector's failure to keep address or give notice

311.605 "Person" defined for ORS 311.605 to 311.635

311.610 Warrants to enforce payments of taxes on personal property

311.615 Notice of warrants

311.620 Service of warrant

311.625 Filing warrants; entry in lien record; lien on real and personal property

311.630 Procedure of ORS 311.605 to 311.635 mandatory

311.633 Fee for service of warrant under ORS 311.605 to 311.635

311.635 Execution; release of lien

311.640 Levy and sale of personal property or real property machinery and equipment for delinquent property tax; notice

311.645 Charging personal property taxes against real property

311.650 Collection of taxes on real property of the United States held under contract of sale, lease or other interest less than a fee

311.655 Companies assessed by Department of Revenue; tax as debt; lien for taxes; action for collection; warrant for payment

311.656 Notice to tax collector on foreclosure of security interest or lien on taxable personal property or real property machinery and equipment; effect if taxes due

COLLECTION OF ANY STATE PROPERTY TAX APPORTIONED TO COUNTIES

311.657 Transmission of transcript of apportionment to county clerks; notice of levy

311.658 Collection, payment of state levy; informing State Treasurer of state levy for bonded indebtedness and interest; rules

311.660 State levy collection limited to levies for payment of bonded indebtedness and interest

311.662 Validity of state levy for payment of bonded indebtedness and interest; effect of certification, levy, apportionment or collection proceeding or procedure

DEFERRED COLLECTION OF HOMESTEAD PROPERTY TAXES

311.666 Definitions for ORS 311.666 to 311.701

311.668 Deferral of tax on homestead; joint election; age and income requirements; filing claim; appeal for denial or disqualification

311.670 Property entitled to deferral

311.672 Claim forms; contents

311.673 State liens against tax-deferred property

311.674 Listing of tax-deferred property; interest accrual

311.675 Recording liens; recording constitutes notice of state lien

311.676 County tax collector to receive amount equivalent to deferred taxes from state

311.678 Notice to taxpayer regarding duty to claim deferral annually

311.679 Estimate of deferred taxes; lien; foreclosure; voluntary payment

311.681 Request to retroactively claim deferral

311.683 Continued deferral after Department of Transportation condemnation; application; requirements; rules

311.684 Events requiring payment of deferred tax and interest

311.686 Time for payments; delinquencies

311.687 Loss of eligibility for deferral when disability ceases; prior deferred taxes may continue deferral

311.688 Election by spouse to continue tax deferral

311.689 Increase in income as grounds for loss of deferral; review of tax returns; audits; deficiencies and refunds

311.690 Voluntary payment of deferred tax and interest

311.691 Taxes unpaid before deferral as lien; effect on foreclosure; exceptions

311.693 Application to delay foreclosure; effect of denial; appeal

311.694 Taxes uncollected after foreclosure; reimbursement of state by taxing units

311.695 Extension of time for payment upon death of claimant or spouse

311.696 Limitations on effect of ORS 311.666 to 311.701

311.700 Deed or contract clauses preventing application for deferral under ORS 311.666 to 311.701 prohibited; clauses void

311.701 Senior Property Tax Deferral Revolving Account; sources; uses

DEFERRAL OF SPECIAL ASSESSMENTS FOR LOCAL IMPROVEMENT

311.702 Definitions for ORS 311.702 to 311.735

311.704 Election to defer special assessment for local improvement

311.706 Requirements for deferral

311.708 Claim for deferral; filing date

311.711 Duties of bond lien docket or assessment lien record officer; liens; interest; foreclosure

311.716 Events requiring payment of deferred special assessment; duty to inform Department of Revenue

311.718 Time for payments; delinquencies

311.721 Election by spouse to continue deferral

311.722 Extension of time for payment upon death of claimant; five-year limit; bond; interest

311.723 Voluntary payment of deferred special assessment

311.725 Disposition of collected special assessments; reimbursement of state

311.727 Deferred special assessments uncollected after foreclosure; reimbursement of state by taxing units

311.729 Limitations on effect of ORS 311.702 to 311.735

311.730 Payments by state to local officers; dates of payment; small special assessment amounts prepaid

311.731 Remittance to state of prepaid amounts when deferral ends

311.732 Deed or contract clause preventing application for deferral prohibited; clauses void

311.735 Rules

DISASTER AREA TAX DEFERRAL

311.740 Definitions for ORS 311.740 to 311.780

311.745 Election to defer taxes in disaster area; eligibility

311.750 Qualifications

311.755 Time for payment; interest on deferred taxes; delinquency

311.759 Voluntary payment; satisfaction of deferred property tax lien

311.761 Recordation of tax deferred properties; recording constitutes notice of lien

311.771 Liens; priority; foreclosure proceeding

311.775 Notice of deferral to assessor by department; rate of interest on deferred taxes

311.780 Payment of tax deferred amounts to county by state; availability of moneys

COMPROMISE, ADJUSTMENT AND SETTLEMENT OF TAXES

311.785 Authority to compromise taxes, abate interest or lawful charges

311.790 Cancellation of uncollectible property tax

311.795 Cancellation of delinquent taxes on certain donated property; cancellation of delinquent taxes where total is less than five dollars

311.796 Cancellation of taxes upon donation of property to state, local government or nonprofit corporation for certain purposes

311.800 Compromise of taxes on lands conveyed to United States

311.804 Cancellation of assessment or taxes on cancellation of certificate or contract by Department of State Lands

REFUNDS

311.806 Refund of taxes on real and personal property

311.807 Refund reserve account; deposits; payment of refunds; rules

311.808 Refund on real property or manufactured structure; when prohibited

311.812 No interest on refunds under ORS 311.806; exceptions; rate

311.813 Refund account; order of court

311.814 Appeal of large amounts of value; reserve account for refunds

311.815 Abandonment of purpose for which special tax levied; refund or cancellation of tax

311.821 Refunds authorized in event of certain boundary changes of taxing districts; reimbursements

PREPAYMENT OF TAXES FOR FACILITIES

311.850 Findings

311.855 Definitions for ORS 311.850 to 311.870

311.860 Agreement for prepayment; contents; filing; certificate of payment

311.865 Exemption; amount; termination

311.870 Characterization of prepaid taxes

PENALTIES

311.990 Penalties

GENERAL PROVISIONS

311.005 "Tax collector" defined. As used in the tax laws of this state, "tax collector" means the person or officer who by law is charged with the duty of collecting taxes assessed upon real property, and includes a deputy. [Amended by 1973 c.305 §5; 1981 c.346 §9]

311.010 "County court" defined. As used in the tax laws of this state, unless the context requires otherwise, "county court" includes the board of county commissioners or other governing body of the county. [Amended by 1965 c.344 §8; 1995 c.79 §142]

311.015 Recovery of damages and costs by person injured by false return or fraudulent act of tax collector. If a person is injured by the false return or fraudulent act of a tax collector, such person shall recover upon suit, brought on the bond of the tax collector and sureties of the tax collector, double damages and costs of suit. [Amended by 1965 c.344 §9]

311.020 Collection procedure when offices of assessor and tax collector combined. (1) Wherever a statute provides for the assessor to certify an assessment to the tax collector for collection, the person exercising the duties of both assessor and tax collector in a county having a charter shall prepare the certificate required by law, file it in the office of the person and proceed in the manner otherwise provided by law.

(2) In counties where the duties of assessor and tax collector have been delegated to one person, the filing of the warrant under ORS 311.115 shall constitute a constructive delivery of the roll to such person in the tax collecting capacity of the person. [1963 c.238 §§10,12]

TAX COLLECTOR

311.055 Tax collector. The county court or board of county commissioners of each county shall designate the tax collector thereof. [Amended by 1973 c.305 §1]

311.060 Bond. Before entering upon the duties the tax collector shall give a bond, issued by some responsible surety company, or given by some responsible surety or sureties as approved by the county court, conditioned for the faithful performance of the duties as tax collector, in the amount the county court directs. The premium for the bond, if issued by a surety company, shall be paid by the county court. In all counties the bond shall be additional and cumulative to any other bond given by the officer or employee under any other statute, to which resort may be had, in case of failure or default of the duties as tax collector, if the bond required by this section is unenforceable or insufficient. [Amended by 1963 c.238 §5; 1965 c.344 §10; 1973 c.305 §6]

311.065 Deputies and clerical assistance. Each county tax collector shall be entitled to such deputies and clerical assistance as may be necessary properly to transact the business and perform the work of the office. Such deputies and clerical assistance shall be furnished by the county court at the expense of the county. [Amended by 1965 c.344 §11]

311.070 Tax collecting functions of sheriff transferred to designated tax collector. Upon the designation of someone, other than the sheriff as tax collector of a county, all the duties, functions and powers of the sheriff of the county acting as the tax collector and with respect to the collection of taxes shall be transferred to the tax collector. [1973 c.305 §2; 1981 c.346 §10]

311.075 Tax collecting obligations transferred to tax collector; pending proceedings unaffected. (1) The rights, duties and obligations of a sheriff legally incurred under contracts, leases and business transactions, entered into with respect to duties, functions and powers transferred by the county court of the county to another officer designated as tax collector shall, upon the date ordered by the court, be transferred to the tax collector of the county. For the purpose of succession to such rights, duties and obligations, the tax collector shall constitute a continuation of the sheriff and not a new authority, and the tax collector shall exercise and perform such rights, duties and obligations with the same force and effect as if they had not been transferred.

(2) The transfer of duties, functions and powers as authorized by ORS 311.070 shall not affect any proceeding, prosecution, action or suit pending at the time of the transfer.

(3) Such a transfer shall not relieve any person of any obligation with respect to any tax or other charge, interest, penalty, forfeiture or any other liability, duty or obligation accrued under or with respect to the duties, functions and powers transferred as provided by ORS 311.070. [1973 c.305 §3]

PREPARING TAX ROLLS; RESTORATION AFTER DAMAGE

311.105 Certificate of taxes levied or imposed; preparation; contents; delivery. (1) After the assessor has completed the apportionment, extension and imposition of taxes on property on the assessment roll, the assessor shall make a certificate, in duplicate, containing a list of all taxing districts, and the following information:

(a) Based on the amounts determined under ORS 310.153, the assessor shall list the total amount of taxes on property levied or

imposed on property within the county by each district, the total amount of each special assessment and of each kind of fee or other charge authorized or required by law to be placed upon the tax roll for each district.

(b) There shall be deducted from the amount in paragraph (a) of this subsection any loss caused by truncating the tax rate as required by ORS 310.090.

(c) The total amount, paragraphs (a) minus (b) of this subsection, of taxes, assessments, fees and other charges to be raised for each district by the tax roll and any property tax amounts to be paid by the state and the total thereof.

(d) The total amount of taxes on property actually imposed on property in the county by each district within the limits of section 11b, Article XI of the Oregon Constitution.

(e) The total amount of loss in each category identified in ORS 310.150 by district due to proration of taxes on property, which is the total amount of taxes to be levied or charged, less the amount actually imposed.

(f) The amount to be imposed by the tax collector against real property, against personal property, and against property assessed pursuant to ORS 308.505 to 308.665.

(2) The assessor shall include on the roll only taxes on property certified under ORS 310.060 that are imposed on property subject to ad valorem taxation and other amounts specifically authorized by law to be included on the roll.

(3) The certificate also shall contain the list required under ORS 310.147.

(4) The assessor shall deliver one copy of the certificate to the county clerk. [Amended by 1963 c.238 §6; 1965 c.344 §12; 1969 c.595 §5; 1975 c.780 §9; 1979 c.350 §11; 1991 c.459 §229; 1993 c.270 §53; 1995 c.79 §143; 1997 c.541 §274]

311.110 Warrant of clerk authorizing collection of taxes. After receiving the certificate required by ORS 311.105, the county clerk shall forthwith issue to the county assessor a warrant, in the name of the State of Oregon, under the hand of the clerk and the seal of the county court, authorizing the collection by the tax collector and charging the tax collector with the collection of the taxes and other amounts shown in the certificate. [Amended by 1963 c.238 §7; 1967 c.105 §4]

311.115 Delivery of assessment roll to tax collector; tax roll. The assessor shall deliver the roll to the tax collector each year at such time as the assessor and the tax collector agree is necessary to enable the mailing of tax statements on or before October 25. The assessment roll shall be delivered in counties in which the assessor does not prepare a separate assessment roll and a separate tax roll. The assessment roll thereafter shall be a tax roll. The tax roll shall be delivered in counties where a separate assessment roll and tax roll is prepared. At the same time, the assessor shall deliver to the tax collector the second copy of the certificate prepared under ORS 311.105, and the warrant issued under ORS 311.110, and the tax collector shall file them in the office. The tax collector shall give a receipt, in duplicate, for the roll. One copy of the receipt shall be filed with the assessor and the other with the county clerk. All certificates, warrants, assessment and tax rolls shall be preserved as public records. [Amended by 1963 c.238 §8; 1965 c.344 §13; 1991 c.459 §229a]

311.120 Adding uncollected tax to tax for succeeding year; placing property as to which tax adjudged void upon rolls; relisting, reassessment and relevying. (1) If a tax levied on property liable to taxation is prevented from being collected for any year or years by reason of an erroneous proceeding, or other cause, the amount of the tax which should have been paid on the property shall be added to the amount of tax upon the property for the next succeeding year; and if any tax is adjudged void for want of form or manner of procedure on the part of the taxing officers, the county assessor or tax collector shall cause the property to be placed on the assessment and tax roll of the current year, the tax to be collected as other taxes of that year are collected.

(2) There shall be, if necessary, a relisting, reassessment and a relevy of the proper tax in the manner and by the person authorized by law to list property and levy and assess a tax. The relisting, reassessment and relevying shall take place within five years from the date the tax would have been delinquent if the property had been properly listed, assessed and tax levied thereon. If the question is raised in the courts as to the legality of such tax, the five years shall not commence to run until the question is finally determined by the courts.

311.125 Entering delinquent taxes on tax roll. Immediately after receipt of the tax roll each year:

(1) If delinquent tax payments are to be posted to the previous year's rolls the tax collector shall enter on the roll received, for each property assessment, a memorandum of all taxes then unpaid and delinquent on such property, showing the tax year or years and the amount of such taxes for each such year. Where a continuing tax roll card system is used on which is shown the prior years' unpaid taxes, no new annual entry or entries need be made until a new card is used to replace the old card. Where the property description for an account in the current tax

roll is different than the description of the property for a prior year, but includes a portion or all of the property on which the unpaid taxes are a lien, the full amount of the unpaid taxes shall be shown, and no segregation of the value of the property need be made unless requested pursuant to ORS 311.280 by a person desiring to pay a portion or all of such unpaid taxes.

(2) If delinquent tax payments are to be posted to the current tax roll, the tax collector shall enter on the roll received, for each property assessment, all taxes then unpaid and delinquent on such property, showing the tax year or years and the amount of such taxes for each such year. A segregation of value of the property and of the unpaid taxes applicable to each portion of the property segregated shall be made whenever the property description for an account on the current tax roll is different from a prior year or years, as described in subsection (1) of this section. [Amended by 1965 c.344 §14]

311.130 [Repealed by 1965 c.344 §42]

311.135 Restoration of current assessment roll after destruction or damage. (1) If the current assessment roll of any county is destroyed or damaged by fire or other disaster, the county assessor shall repair and restore the assessment roll, extend all regular and lawful tax levies therein and deliver the restored roll as a tax roll to the tax collector at the earliest practicable time.

(2) The provisions of ORS 311.115 as to the time of delivery of a tax roll to the tax collector by the assessor are waived in such case.

311.140 Restoration of tax rolls after destruction or damage; preparing transcripts as rolls for unpaid taxes. (1) If the tax rolls of any county are destroyed or damaged, the tax collector of the county shall prepare transcripts of those parts of the rolls in which it appears, from evidence in the possession of the tax collector or otherwise obtainable, that taxes are unpaid on real or personal properties. The Department of Revenue and the assessor of the county shall assist the tax collector in the preparation of the transcripts.

(2) The tax collector shall then certify that, to the best belief and knowledge of the tax collector, the transcripts are a true and correct record of the taxes remaining unpaid. When certified by the tax collector, the transcripts shall be the tax rolls of the county for all taxes so determined to be unpaid.

(3) Thereafter, the tax collector may make corrections of such tax rolls, pursuant to ORS 311.205, to conform such rolls to the destroyed rolls. Such corrections shall be considered to be clerical errors, except that where a taxpayer is aggrieved by such correction, the taxpayer may within 60 days thereof petition the county court for relief. The petition shall set forth in detail the facts upon which the petitioner relies and the relief requested. The county court may hear such petitions in a summary manner and shall issue its order denying the relief requested or granting such relief as it determines proper. Any taxpayer aggrieved by such order may petition to the Oregon Tax Court in the manner provided in ORS 305.404 to 305.560.

(4) The unpaid taxes exhibited in tax rolls prepared and certified in accordance with this section are liens upon the real and personal properties therein described, and shall have the same force and effect as the liens of taxes charged in the original tax rolls of the county. Such taxes shall be subject to the provisions of law for the collection of taxes on real or personal property. [Amended by 1965 c.344 §15; 1995 c.79 §144; 1995 c.650 §77]

311.145 Supplying materials and clerical help to restore rolls. The county court shall supply and furnish the tax collector and assessor with the books and other materials and clerical help necessary to carry out ORS 311.135 and 311.140.

311.150 Adding to, changing or correcting rolls by vouchers; preservation of vouchers. (1) In lieu of the procedures for additions, changes or corrections to the assessment and tax rolls authorized by ORS 309.120, 311.205, 311.370 (5), 311.645, 312.140 (2) and 358.495, the officer in possession of the roll may prepare a voucher for each correcting entry. The voucher shall state what change is to be made, identify the tax account or accounts affected, provide sufficient evidence to indicate the propriety of the transaction and the date the voucher is approved by the officer in charge of the roll or an authorized deputy. The date the voucher is completed and approved is the date the change shall become effective and the voucher shall become a public record. The vouchers shall be numbered and the voucher number shall appear on the assessment or tax roll adjacent to the entry changing the roll.

(2) The vouchers provided for in this section shall be preserved until the real property tax rolls of the year affected by the voucher have been foreclosed and the foreclosed property has been deeded to the county; or, in the case of personal property, until one year after the tax account affected by the voucher has been collected or canceled under the provisions of ORS 311.790. [1965 c.344 §6; 1975 c.514 §13]

311.160 Correction of rolls to reflect order on appeal of large amount of value; disposition of additional taxes; interest; limited to appeals from tax years before 1997-1998. (1)(a) Where a final order is entered in any appeal described in ORS 308.020 (1) or the expiration of the appeal period has occurred, the officer or officers in possession of the assessment and tax rolls shall make the corrections stated in the decision of the court. Any additional taxes collected because the final total value is greater than that entered in the rolls under ORS 308.020 (1) shall be deposited in a special account with the county treasurer. The county treasurer shall notify the county assessor of the amount in the special account for each property described in ORS 308.020 (1), and the assessor shall apportion the amount among the taxing districts in the code area in which the property is located on the basis of their tax rates as compared to the total of such tax rates for the tax year for which the amount, or portion of the amount, is attributable. The treasurer shall pay each district the district's apportioned amount.

(b)(A) Where a final order is entered in any appeal described in ORS 308.020 (2) or the expiration of the appeal period has occurred, the officer or officers in possession of the assessment and tax rolls shall make the corrections stated in the decision of the court.

(B) Subject to subparagraph (C) of this paragraph, at the option of the county treasurer, any additional taxes, or portion thereof, collected because the final total value for the initial tax year or for a tax year occurring during the appeal period is greater than that entered in the rolls under ORS 308.020 (2) shall be deposited and distributed as provided under paragraph (a) of this subsection or deposited in a refund reserve account maintained under ORS 311.807.

(C) If, at the time of collection, the amount of the additional taxes exceeds the amount of anticipated annual refunds for the fiscal year of collection, the excess amount shall be deposited and distributed as provided under paragraph (a) of this subsection.

(2) Interest shall accrue on the additional taxes collected pursuant to subsection (1) of this section as if the property had been properly assessed in the year that any portion of the value was placed on the tax roll in the manner and at the interest rates provided in ORS 311.505.

(3) If the owner of the property, the value of which is subject to ORS 308.020, so desires, the owner may tender to the county treasurer an estimate of the additional taxes which may ultimately be assessed against the property. The county treasurer shall provide a special account for such deposits and shall invest the deposits during the time the matter is in litigation. The interest earned on the account shall be credited to it.

(4) Upon the termination of the controversy, the principal amount in the account necessary to pay the taxes as provided in subsection (1) of this section shall be retained together with its portion of the interest earned on the investment of the moneys during the period held by the county treasurer and shall be distributed as provided in subsection (1) of this section. Moneys in the account in excess of that required to be retained shall be refunded to the owner. Notwithstanding ORS 311.812, the owner of the property shall not be entitled to any interest in excess of that earned on the sum of the principal which is refunded to the owner during the time the money was held by the county treasurer.

(5) This section does not apply to appeals arising from tax years beginning on or after July 1, 1997. [1973 c.345 §4; 1979 c.689 §17; 1981 c.178 §12; 1989 c.267 §2; 1993 c.650 §2; 1995 c.650 §90; 1997 c.541 §§275,276; 2001 c.114 §26]

311.165 Collection of taxes upon severance or removal of improvements from the land. (1) If in the opinion of the assessor:

(a) It appears probable that real property improvements, whether assessed as improvements only or as real property improvements assessed together with land have been or will be severed from the land upon which they are situated and have been or will be removed from such land;

(b) It appears that the amount of taxes which have been levied against the property in the current and prior years or which are anticipated to be levied for the current assessment year will not be adequately secured by the value of the property remaining in the tax account; and

(c) It appears that unless prompt action is taken the taxes will not be collected, then the assessor shall proceed to levy and the tax collector to collect the taxes in the manner set forth in subsection (2) of this section.

(2) If the amount of the taxes for the current year attributable to the property improvements is not able to be determined, the assessor shall estimate the taxes due for the current year. The assessor shall make demand upon the owner of the improvements as shown by the most recent assessment roll, for payment of the unpaid taxes attributable to the improvements for the current and all prior years. Any payments shall be paid immediately upon demand of the assessor either to the assessor for remittance to the tax collector or directly to the tax collector of the

county pursuant to ORS 311.370. If the taxes are not paid immediately upon demand, the assessor shall certify the assessment and tax levies so made by the assessor to the tax collector. For the purposes of collection of the assessments, the owner shall be considered a taxpayer owning personal property against which ad valorem taxes have been assessed. Review may be had as provided in ORS 311.467. All taxes collected by the tax collector, or taxes collected by the assessor and remitted to the tax collector shall be credited to the real property account containing the improvements which were the basis of the tax. [1973 c.343 §1; 1979 c.350 §12; 1979 c.689 §28; 1991 c.459 §230]

STATE REPLACEMENT OBLIGATION OF REVENUE LOST BY PUBLIC SCHOOLS UNDER CONSTITUTIONAL LIMIT ON AMOUNT OF PROPERTY TAX; CALCULATION; REPORTS

311.175 Loss of revenue by school taxing districts; calculation; report; preparation. (1) Each year, within five working days after preparation of the certificate required under ORS 311.105, the county assessor shall report to the Department of Revenue the information specified in this subsection for each taxing district that, during that year, imposed a tax on property to fund the public school system. The department shall prescribe the form for the report. The report shall contain:

(a) The amount of taxes on property to fund the public school system certified by the taxing district as subject to the limits of section 11b, Article XI of the Oregon Constitution.

(b) The amount of revenue offset against the taxes identified under paragraph (a) of this subsection.

(c) The amount of taxes on property levied that are lost due to truncation in calculation of the rate of a levy.

(d) The total amount of taxes on property to fund the public school system actually imposed on property in the district within the limits of section 11b, Article XI of the Oregon Constitution.

(e) The total amount of loss due to proration of the taxes on property, which is the difference between the amount identified in paragraph (a) of this subsection and the sum of the amounts identified in paragraphs (b) to (d) of this subsection.

(2) Each year the Department of Revenue shall prepare a report certifying the amount of revenue lost by the public school system due to proration of taxes on property under section 11b, Article XI of the Oregon Constitution, from the information reported under subsection (1) of this section, and from any other information available to the department.

(3) For each taxing district that imposed a tax on property to fund the public school system within the limits of section 11b, Article XI of the Oregon Constitution, the amount certified under subsection (2) of this section shall be calculated as follows:

(a) There shall be subtracted from the amount of taxes on property certified by the taxing district to fund the public school system that were subject to the limits of section 11b, Article XI of the Oregon Constitution, the sum of:

(A) The amount of revenue offset against the taxes identified under paragraph (a) of this subsection; plus

(B) The total amount of taxes on property to fund the public school system actually imposed on property in the district within the limits of section 11b, Article XI of the Oregon Constitution; plus

(C) The total amount of taxes on property levied that are lost due to truncation in the calculation of the rate of a levy.

(b) The amount of revenue lost by each taxing district that imposed a tax on property to fund the public school system shall be cumulated to arrive at the total amount of revenue lost to the public school system as a result of the limits of section 11b, Article XI of the Oregon Constitution. [1991 c.459 §229b]

Note: 311.175 to 311.183 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 311 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

311.177 Amount of taxes certified for school taxing districts and county school fund for 1990-1991; report; preparation. The Department of Revenue shall prepare a report of the total amount of taxes, other than taxes to pay principal and interest on bonded indebtedness, certified by each common and union high school district, education service district, community college service district and community college district, and the amount of taxes levied under particular voter approval by any county for the county school fund, for the 1990-1991 tax year. [1991 c.459 §229c; 1997 c.271 §10]

Note: See note under 311.175.

311.179 State school revenue replacement obligation for 1991-1992; calculation; report; preparation. (1) The Department of Revenue shall prepare a report of the state's constitutional replacement obligation for the 1991-1992 fiscal year. The constitutional replacement obligation shall be the lesser of:

(a) The amount as cumulated under ORS 311.175 (3)(b); or

(b) The amount as calculated under subsection (2) of this section.

(2) From the total amount of taxes on property that are subject to the limits of section 11b, Article XI of the Oregon Constitution, certified by common and union high school districts, education service districts, community college districts and any taxes levied under particular voter approval by any county for the county school fund for the 1990-1991 tax year, plus six percent thereof, subtract:

(a) The amount of revenue offset against all taxes on property subject to the limits of section 11b, Article XI of the Oregon Constitution, certified by taxing districts to fund the public school system during the 1991-1992 tax year;

(b) The amount of revenue lost for the 1991-1992 tax year due to truncation of the tax rates for those taxes; and

(c) The amount of taxes on property actually imposed by those districts to fund the public school system for 1991-1992 within the limits of section 11b, Article XI of the Oregon Constitution. [1991 c.459 §229d]

Note: See note under 311.175.

311.181 State school revenue replacement obligation for 1992-1993 through 1995-1996; calculation; reports; preparation. (1) For each tax year beginning on or after July 1, 1992, and before July 1, 1996, the Department of Revenue shall prepare a report certifying the state's constitutional replacement obligation for the fiscal year. The constitutional replacement obligation shall be the lesser of:

(a) The amounts as cumulated under ORS 311.115 (3)(b); or

(b) The amount as calculated under subsection (2) of this section.

(2) From the total amount of taxes on property imposed by all taxing districts to fund the public school system in the previous tax year, plus the amount distributed by the state specifically designated as replacement revenue to satisfy the requirements of section 11b (5), Article XI of the Oregon Constitution in the previous year, plus six percent of the total thereof, subtract the total amount of taxes on property actually imposed by all taxing districts to fund the public school system for the current tax year within the limits of section 11b, Article XI of the Oregon Constitution. [1991 c.459 §229e]

Note: See note under 311.175.

311.183 Correction of errors in reports; presentation of reports and corrections to legislative committees. (1) The Department of Revenue may correct any errors it discovers in any report certified under ORS 311.175 to 311.181. Any corrections certified to the State Board of Education before May 1 of any year shall be reflected in the formula used by the board to distribute funds to school districts for that year.

(2) The reports required under ORS 311.175 to 311.181 shall be certified to the State Board of Education on or before December 15 of each year.

(3) The department shall present the reports or corrections prepared or certified by the department under ORS 311.175 to 311.181 to the Joint Interim Committee on Revenue and School Finance, if the Legislative Assembly is not in session, or if the Legislative Assembly is in session, to the Senate Revenue Committee and to the House Revenue Committee. [1991 c.459 §229f]

Note: See note under 311.175.

CORRECTING ERRORS OR OMISSIONS IN ROLLS

311.205 Correcting errors or omissions in rolls. (1) After the assessor certifies the assessment and tax roll to the tax collector, the officer in charge of the roll may correct errors or omissions in the roll to conform to the facts, as follows:

(a) The officer may correct a clerical error. A clerical error is an error on the roll which either arises from an error in the ad valorem tax records of the assessor, or the records of the Department of Revenue for property assessed under ORS 306.126, or which is a failure to correctly reflect the ad valorem tax records of the assessor, or the records of the Department of Revenue for property assessed under ORS 306.126, and which, had it been discovered by the assessor or the department prior to the certification of the assessment and tax roll of the year of assessment would have been corrected as a matter of course, and the information necessary to make the correction is contained in such records. Such errors include, but are not limited to, arithmetic and copying errors, and the omission or misstatement of a land, improvement or other property value on the roll.

(b) The officer may correct an error in valuation judgment at any time in any account when an appeal has been filed in the tax court alleging that the value on the roll is incorrect, if the correction results in a reduction of the tax owed on the account. Corrections under this paragraph to accounts appraised by the department pursuant to

ORS 306.126 and 308.505 to 308.665 may not be made without the approval of the department. Errors in valuation judgment are those where the assessor or the department would arrive at a different opinion of value. The officer may correct any other error or omission of any kind. Corrections that are not corrections of valuation judgment errors include, but are not limited to, the elimination of an assessment to one taxpayer of property belonging to another on the assessment date, the correction of a tax limit calculation, the correction of a value changed on appeal, or the correction of an error in the assessed value of property resulting from an error in the identification of a unit of property, but not an error in a notice filed under ORS 310.060.

(c) The officer shall make any change requested by the Department of Revenue which relates to an assessment of property made by the department under ORS 308.505 to 308.665.

(d) The officer shall make any change ordered by the tax court or the Department of Revenue under ORS 305.288 (1) to (6) or 306.115.

(e) The officer shall make any change required under ORS 308A.089.

(2)(a) The officer in charge of the roll shall make corrections with the assent and concurrence of the assessor or the department. The direction for the correction shall be made in writing and state the type of error and the statutory authority for the correction. Corrections may be made to the roll for any year or years not exceeding five years prior to the last roll so certified.

(b) Any additional taxes resulting from corrections for years prior to the current year shall be deemed assessed and imposed in the particular year or years as to which the corrections apply. Addition of tax to a prior year's tax roll, due to corrections under this section, shall not be considered in calculating the effect of the tax limitation under section 11b, Article XI of the Oregon Constitution for the current year.

(3) A correction made pursuant to this section shall be made in whatever manner necessary to make the assessment, tax or other proceeding regular and valid. The correction shall be distinguishable upon the roll, shall include the date of the correction and shall identify the officer making the correction. Whenever a correction is to be made after the assessor has delivered the roll to the tax collector, the effect of which is to increase the assessment to which it relates, except where made by order of the department, the procedure prescribed in ORS 311.216 to 311.232 shall be followed; and the provisions therein with respect to appeals shall likewise apply.

(4) Corrections which would result in less than a $1,000 change in assessed value or real market value shall not change the value for purposes of computing the taxes levied against the property, but shall be made only for purposes of correcting the office records.

(5) The remedies under this section are in addition to other remedies provided by law. [Amended by 1953 c.26 §2; 1957 c.324 §8; 1959 c.181 §2; 1961 c.234 §1; 1963 c.267 §1; 1965 c.344 §16; 1971 c.472 §3; 1973 c.402 §28; 1977 c.606 §2; 1979 c.687 §3; 1983 c.605 §5; 1991 c.459 §231; 1993 c.18 §73; 1993 c.270 §54; 1995 c.79 §146; 1995 c.127 §4; 1997 c.541 §278; 1999 c.21 §27; 2001 c.509 §2; 2007 c.590 §2]

311.206 Additional taxes resulting from correction of error or omission; date of delinquency; limitations. (1)(a) Except as provided in paragraph (b) of this subsection, when the roll is corrected under ORS 311.205, and taxes are added to the roll, the additional taxes shall be added to the tax extended against the property on the general property tax roll for the tax year following the current tax year, to be collected and distributed in the same manner as other ad valorem property taxes imposed on the property. Notwithstanding ORS 311.205 (2)(b), for purposes of collection and enforcement, the additional taxes added to the roll under this subsection shall be considered delinquent as of the date the other taxes for the year in which the additional taxes are added to the roll become delinquent.

(b) When additional taxes are added to the roll as the result of an order described in ORS 311.205 (1)(d), the additional taxes shall be collected as provided in ORS 311.513.

(2) Notwithstanding subsection (1) of this section or other provision of law establishing the delinquency date for additional taxes, additional taxes may not be assessed and imposed if the correction is a result of:

(a) The disqualification of property from a tax exemption granted erroneously by a tax official; or

(b) The failure by a tax official to timely disqualify property from a tax exemption.

(3) Subsection (2) of this section does not apply to a failure by a tax official to timely disqualify property from a tax exemption if the property owner fails to timely notify the assessor of a change in use of the property to a nonexempt use.

(4) Additional taxes arising from a correction under ORS 311.205 may be paid to the tax collector prior to the completion of the next general property tax roll, pursuant to ORS 311.370.

(5) For purposes of this section, "additional taxes" includes increases in taxes that have already been extended on the roll. [1975 c.780 §15; 1983 c.106 §1; subsections (2) to (7) enacted as 1983 c.106 §3; 1985 c.784 §9; 1991 c.459 §232; 1993 c.270 §55; 1995 c.256 §6; 1999 c.500 §3; 1999 c.862 §1a; 2001 c.303 §7; 2003 c.274 §3]

311.207 [1965 c.344 §18(1),(2),(9),(10) (enacted in lieu of 311.210); 1971 c.574 §3; 1977 c.584 §1; 1979 c.692 §6; 1991 c.459 §234; 1997 c.541 §281; renumbered 311.216 in 1997]

311.208 Notice required when current roll corrections increase value; time for payment of additional taxes. (1) The assessor shall notify the property owner of record or other person claiming to own the property or occupying the property or in possession of the property, if:

(a) A correction is made that applies only to the current roll;

(b) The correction is made after roll certification under ORS 311.105 and prior to December 1 of the current tax year; and

(c) The correction increases the value of the property.

(2) If a correction described in subsection (1) of this section results in additional taxes being added to the current roll, the additional taxes shall be due and payable without interest if paid prior to the 16th of the month next following the date the notice was sent under this section.

(3) If the additional taxes described in subsection (2) of this section are not paid prior to the 16th of the month next following the date the notice was sent under this section, the additional taxes shall be considered for all purposes of collection and enforcement of payment as having become delinquent on the date the taxes would normally have become delinquent if the taxes had been timely extended on the roll.

(4) The notice described in subsection (1) of this section shall:

(a) Be mailed prior to December 1 to the last-known address of the person described in subsection (1) of this section;

(b) Specify the date and the amount of the correction;

(c) If additional tax is imposed, specify the date by which the additional tax may be paid without interest; and

(d) Include the owner's right to file a petition with the county board of property tax appeals not later than December 31 of the current tax year.

(5) The correction shall be made by the officer in charge of the roll in the manner described in ORS 311.205 (3).

(6) A correction made under this section may be appealed to the board of property tax appeals in the manner provided in ORS 309.100. [1997 c.541 §280; 2001 c.303 §10]

311.209 [1965 c.344 §18(3) (enacted in lieu of 311.210); 1979 c.692 §7; 1997 c.541 §282; renumbered 311.219 in 1997]

311.210 [Amended by 1955 c.720 §2; 1959 c.56 §2; repealed by 1965 c.344 §17 (311.207, 311.209, 311.211 and 311.213 enacted in lieu of 311.210)]

311.211 [1965 c.344 §18(4), (5), (6), (7) (enacted in lieu of 311.210); 1977 c.870 §37; 1993 c.270 §56; 1995 c.650 §70; 1997 c.541 §§283,284; renumbered 311.223 in 1997]

311.212 [1991 c.459 §236; renumbered 311.226 in 1997]

311.213 [1965 c.344 §18(8) (enacted in lieu of 311.210); 1975 c.704 §1; 1995 c.256 §7; renumbered 311.229 in 1997]

311.215 [Amended by 1981 c.897 §46; renumbered 311.232 in 1997]

311.216 Notice of intention to add omitted property to rolls; treatment of unreported property; treatment of understated property; duty of tax collector. (1) Whenever the assessor discovers or receives credible information, or if the assessor has reason to believe that any real or personal property, including property subject to assessment by the Department of Revenue, or any buildings, structures, improvements or timber on land previously assessed without the same, has from any cause been omitted, in whole or in part, from assessment and taxation on the current assessment and tax rolls or on any such rolls for any year or years not exceeding five years prior to the last certified roll, the assessor shall give notice as provided in ORS 311.219.

(2) Property or the excess cost of property, after adjustment to reflect real market value, shall be presumed to be omitted property subject to additional assessment as provided in ORS 311.216 to 311.232 whenever the assessor discovers or receives credible information:

(a) That the addition of any building, structure, improvement, machinery or equipment was not reported in a return filed under ORS 308.285 or 308.290; or

(b) That the cost as of January 1 of any building, structure, improvement, machinery or equipment reported in a return required by the assessor under ORS 308.285 or 308.290 exceeds the cost stated in the return.

(3) If the tax collector discovers or receives credible information or if the tax collector has reason to believe that any property subject to taxation has been omitted from the tax roll, the tax collector shall immediately bring this to the attention of the assessor by written notice. [Formerly 311.207; 1999 c.21 §28; 1999 c.500 §4; 2003 c.46 §27]

311.219 Notice of intention to assess omitted property. Notice shall be given to the person claiming to own the property or occupying it or in possession thereof of the assessor's intention to add the property to the assessment or tax roll under ORS 311.216

to 311.232 and to assess the property in such person's name. Where the assessor has reason to believe the property is either no longer in existence or is outside the county, the assessor shall give the notice to the owner or the person in possession on the assessment date of the year or years as to which the property was omitted. The notice shall be in writing, mailed to the person's last-known address. It shall describe the property in general terms, and require the person to appear at a specified time, not less than 20 days after mailing the notice, and to show cause, if any, why the property should not be added to the assessment and tax roll and assessed to such person. [Formerly 311.209]

311.220 [Amended by 1971 c.384 §1; 1989 c.297 §1; 1991 c.459 §237; renumbered 311.235 in 1997]

311.223 Correction of rolls; filing statement of facts; notice to taxpayer; powers of assessor; appeal. (1) If the person or party notified as provided in ORS 311.219 does not appear or if the person or party appears and fails to show any good and sufficient cause why the assessment shall not be made, the assessor shall proceed to correct the assessment or tax roll or rolls from which the property was omitted. The assessor shall add the property thereto, with the proper valuation, and extend thereon taxes at the consolidated rate under ORS 310.147 that is applicable in the code area in which the property was located for each year as to which it was omitted. To carry out the correction of a tax roll or rolls the assessor shall send a written statement to the tax collector instructing the tax collector to make the necessary changes on the tax roll. The statement shall contain all of the information needed by the tax collector to make the changes in the roll and it shall be dated and signed by the assessor or the deputy of the assessor. The tax collector shall then correct the tax roll.

(2) Immediately after the assessor corrects the assessment or tax roll the assessor shall file in the office of the assessor a statement of the facts or evidence on which the assessor based the correction and notify the taxpayer by written notice, sent by certified mail to the taxpayer's last-known address, of:

(a) The date and amount of the correction;

(b) If a penalty for failing to timely file a real, combined or personal property return as required by ORS 308.290 is being imposed under ORS 308.295 or 308.296, the amount of the penalty;

(c) An explanation of the collection procedures applicable to the corrected amount, or applicable to the penalty; and

(d) An explanation of the taxpayer's right to appeal under subsection (4) of this section and the procedures for making the appeal.

(3) To enable the assessor to comply with this section, the assessor is invested with all the powers of the county clerk under the law in force during the years for which correction may be made under ORS 311.216 to 311.232 and thereafter.

(4) Any person aggrieved by an assessment made under ORS 311.216 to 311.232 may appeal to the tax court within 90 days after the correction of the roll as provided in ORS 305.280 and 305.560. If a penalty under ORS 308.295 or 308.296 is imposed for failing to timely file a real, combined or personal property return with respect to the assessment under ORS 311.216 to 311.232, the imposition of the penalty may be appealed to the tax court. The appeal of the penalty must be brought within the same period of time as an assessment under ORS 311.216 to 311.232 may be appealed to the tax court. An appeal of the value assigned under this section, or of any penalty described in subsection (2)(b) of this section, may not be made to the board of property tax appeals under ORS 309.100. [Formerly 311.211; 2001 c.114 §27; 2001 c.303 §1; 2007 c.452 §1]

311.226 Tax assessed on omitted property deemed imposed in year for which property was omitted. Omitted property shall be deemed assessed and any tax on it shall be deemed imposed in the year or years as to which the property was omitted. Addition of omitted property to the tax roll in the year in which it is discovered shall not be considered in making the determination of the amount of tax imposed in calculating the effect of the tax limitation under section 11b, Article XI of the Oregon Constitution in that year. [Formerly 311.212]

311.229 Taxes added to rolls become liens; delinquency of additional taxes; interest. (1) When the taxes are added to an assessment or tax roll under ORS 311.216 to 311.232, the additional taxes shall be added to the tax extended against the property on the general property tax roll for the tax year following the current tax year, to be collected and distributed in the same manner as other ad valorem property taxes imposed on the property. Notwithstanding ORS 311.226, for purposes of collection and enforcement, the additional taxes added to the roll under this subsection shall be considered delinquent as of the date the other taxes for the year in which the additional taxes are added to the roll become delinquent.

(2) When it appears to the satisfaction of the assessor that the omission of the property was due to a willful attempt to evade the payment of taxes on the property, then

the assessor shall so advise the tax collector and interest at the rate provided in ORS 311.505 (2) shall be added to the amounts so charged, which interest shall be computed from the date or dates that payment of the charges were properly due, and which interest shall continue to run until payment of the charges.

(3) Additional taxes arising from the assessment of omitted property under ORS 311.216 to 311.232 may be paid to the tax collector prior to the completion of the next general property tax roll, pursuant to ORS 311.370.

(4) For purposes of this section, "additional taxes" includes increases in taxes that have already been extended on the roll. [Formerly 311.213; 1999 c.862 §2; 2001 c.303 §8]

311.232 Mandamus to require placing of omitted property on roll. If any officer described in ORS 311.216 to 311.232 fails to comply with ORS 311.216 to 311.232 on the discovery by the officer, or on credible information being furnished by another person, that property has been omitted from taxation, the state, on the relation of any state officer or of any taxpayer of the county in which the failure occurs, may proceed against the officer in any court of competent jurisdiction by mandamus to compel the officer to comply with ORS 311.216 to 311.232. In the trial of the suit the question of what constitutes credible information is a question of fact to be determined by the court trying the case in the same manner other issues of fact are determined. If judgment is rendered that credible information has been discovered by or furnished to the officer, or that the officer has reason to believe that property has been omitted from taxation, the officer shall forthwith place the omitted property on the assessment and tax roll in accordance with ORS 311.216 to 311.232. If judgment is rendered against the officer, the officer shall be liable for all costs of the mandamus suit, and for a reasonable attorney fee at trial and on appeal for relator's attorney, which shall be taxed as a part of the costs of the suit. If proceedings are instituted under this section on the relation of any private citizen, the relator shall give bond to the satisfaction of the court to pay all costs which may be recovered against the relator. [Formerly 311.215]

311.234 Correction in maximum assessed value; requirements; limitation; filing deadline; appeals. (1) Notwithstanding ORS 311.205 (1)(b), the current owner of property or other person obligated to pay taxes imposed on property may petition the county assessor for a correction in the maximum assessed value of the property for the current tax year.

(2) Pursuant to a petition filed under this section, the assessor may correct the maximum assessed value of the property for the current tax year if there is a demonstrated difference between the actual square footage of the property as of the assessment date for the current tax year and the square footage of the property as shown in the records of the assessor for the tax year.

(3) The correction made under this section may not be proportionally different from the proportional difference between the original square footage of the property as shown in the assessor's records and the actual square footage of the property as of the assessment date for the current tax year.

(4) Notwithstanding subsection (3) of this section, the correction made under this section may not cause the maximum assessed value of the property to increase by more than three percent from the maximum assessed value of the property for the preceding tax year.

(5) A petition filed under this section must be on the form and contain the information prescribed by the Department of Revenue and must be filed with the county assessor on or before December 31 of the current tax year.

(6) A decision by the assessor pursuant to a petition filed under this section may be appealed under ORS 305.275. [2001 c.764 §2; 2007 c.516 §3; 2009 c.443 §4]

Note: Section 5, chapter 443, Oregon Laws 2009, provides:

Sec. 5. The amendments to ORS 308.146, 308.166, 309.026 and 311.234 by sections 1 to 4 of this 2009 Act apply to property tax years beginning on or after January 1, 2009. [2009 c.443 §5]

311.235 Bona fide purchaser; when taxes become lien. No ad valorem taxes imposed on real property, a manufactured structure or a floating home purchased by a bona fide purchaser shall be a lien on the real property, manufactured structure or floating home unless at the time of purchase the taxes were a matter of public record. For the purposes of this section, if the tax roll has not been prepared for the tax year in which the purchase occurred, taxes levied or to be levied for the tax year of purchase are taxes which are a matter of public record. A bona fide purchaser is an individual purchaser of a fee simple interest in a single property, who acquires the property in good faith, in an arm's-length transaction and for fair market value and adequate consideration. [Formerly 311.220]

TIME AND MANNER OF COLLECTION

311.250 Tax statements; rules. (1) Except as to real property assessed to "unknown owners" pursuant to ORS 308.240 (2), on or before October 25 in each year, the tax collector shall deliver or mail to each person (as defined in ORS 311.605) shown on the tax roll as an owner of real or personal property, or to an agent or representative authorized in writing pursuant to ORS 308.215 by such person, a written statement of property taxes payable on the following November 15.

(2) The failure of a taxpayer to receive the statement described in this section shall not invalidate any assessment, levy, tax, or proceeding to collect tax.

(3) The tax collector shall not be liable for failure to deliver or mail the tax statements by October 25 as provided in subsection (1) of this section if such failure was caused by not receiving the tax roll from the assessor by the time provided by law or by reason of any other circumstance beyond the control of the tax collector. In such case the tax collector shall deliver or mail the statements as soon as possible.

(4) Where, for any reason the taxes due on any property on the assessment roll in any year cannot be ascertained from the tax roll by November 5 of that year, within 15 days thereafter the owner or other person liable for or desiring to pay the taxes on such property may tender to the tax collector, and the tax collector may collect, a payment of all or part of the taxes estimated by the tax collector to be due on such property. Immediately after the taxes are actually extended on the tax roll, the tax collector shall credit the amount paid as provided by law, allowing the discount under ORS 311.505 and not charging interest for the amount of taxes satisfied by such payment. Where there has been an underpayment, additional taxes shall be collected, and where there has been an overpayment, refund shall be made as otherwise provided by law.

(5) The tax statement described in this section shall be designed by the Department of Revenue and shall contain such information as the department shall prescribe by rule including:

(a) The real market value of the property for which the tax statement is being prepared (or the property's specially assessed value if the property is subject to special assessment) for the current and prior tax year;

(b) The property's assessed value for the current and prior tax year; and

(c) The total amount of taxes due on the property. [1963 c.311 §2; 1965 c.344 §19; 1967 c.293 §21; 1967 c.568 §2; 1985 c.613 §26; 1991 c.459 §238; 1993 c.18 §74; 1993 c.270 §57; 1997 c.541 §286; 2003 c.400 §2]

311.252 Copy of tax statement to be sent to mortgagee paying taxes; procedure when information otherwise transmitted. (1) If a mortgagee is required or authorized to pay the ad valorem taxes on a manufactured structure or on real property that is subject to the mortgage by a provision contained in the mortgage instrument, upon written request sent to the tax collector, the tax collector shall send a copy of the statement required to be mailed to the taxpayer under ORS 311.250 to the mortgagee. The request by the mortgagee for the sending of the copy shall be made to the tax collector on or before October 1 of each year and shall state that the mortgagee has the duty or is authorized to pay the taxes for the owner of the property.

(2) The tax collector and any mortgagee referred to in subsection (1) of this section may agree that a computer record containing the information required by the Department of Revenue may be delivered to the mortgagee instead of a copy of the tax statement required by subsection (1) of this section.

(3) For the purposes of this section, the holder of a perfected security interest in a manufactured structure is considered a "mortgagee" and the perfected security interest is considered a "mortgage." [1967 c.568 §4; 1971 c.379 §1; 1971 c.529 §35; 1971 c.752 §1; 1973 c.82 §1; 1981 c.804 §87; 1983 s.s. c.5 §21; 1987 c.313 §2; 1991 c.459 §239; 1993 c.313 §1; 1997 c.541 §287; 2003 c.108 §3]

311.253 Use of computer record to comply with ORS 311.250; agreement to use record instead of tax statements; rules. (1) Notwithstanding ORS 311.250, if to meet the requirements of ORS 311.250, the tax collector must deliver or mail multiple tax statements to the same person, as defined in ORS 311.605, the tax collector may, at the request of the person made in writing, in lieu of the required tax statements, deliver or mail to the person a computer record that contains the name and last-known address of the person, and for each of the properties for which an individual tax statement would otherwise be required, such information as the Department of Revenue may prescribe by rule and any other information mutually agreed to by the tax collector and the person.

(2) Any request made under this section must be made to the tax collector by the person on or before October 1 of each year. If upon mutual agreement of the parties, the tax collector complies with the request in accordance with the agreement, the tax collector is relieved of responsibility of delivering or mailing tax statements in any other manner.

(3) Any information required by ORS 311.250 to appear on a tax statement that is

not included in the computer record authorized by this section shall appear on the face of the tax receipt given under ORS 311.361. This section shall not apply to a mortgagee required or authorized to pay ad valorem taxes to which ORS 311.252 applies.

(4) As used in this section and ORS 311.252, "computer record" means information stored by any means of electronic storage or paper on which is printed information retrieved from a computer or other form of electronic storage. [1981 c.364 §1; 1997 c.541 §288; 2003 c.108 §1]

311.255 Taxes, other charges of taxing agencies and water improvement company charges collected with county taxes. (1) All ad valorem property taxes, taxes on property that are imposed upon property subject to ad valorem taxation and all special assessments, fees or other charges required by law to be placed upon the tax roll, which have been lawfully levied or imposed and certified to the assessor by any taxing district authorized by law to levy or impose such taxes, assessments, fees or charges, shall be collected by the tax collector, only in the same manner and at the same time as taxes for county purposes are collected.

(2) No taxing district may separately charge or collect any tax on property that is imposed upon property subject to ad valorem taxation certified under ORS 310.060, in advance or otherwise.

(3) Charges of a water improvement company organized under ORS 554.005 to 554.340 shall be collected in the same manner as taxes under subsection (1) of this section if the charges are certified to the assessor by the company board of directors under ORS 554.130. [Amended by 1965 c.344 §20; 1991 c.459 §240; 1997 c.541 §289; 1997 c.819 §16]

311.260 Payment of taxes in lawful money. Except as provided in ORS 311.265, all taxes levied in this state shall be collected and paid in lawful money of the United States, and not otherwise. [Amended by 1965 c.344 §21]

311.265 Payment of taxes with warrants. (1) Any warrant of a county or of any municipal corporation, taxing district or political subdivision shall be received, without regard to priority of issue or registration, in payment of any tax levied for the fund on which the warrant is drawn, except that a warrant not immediately redeemable shall not be received on any tax or part of a tax specifically levied or budgeted for the payment of principal or interest of bonded indebtedness. The tax collector shall not accept from any taxpayer warrants in a larger amount than the particular tax or part of a tax such taxpayer may be entitled to pay in such warrants.

(2) The tax collector shall note on each tax receipt and copy thereof the number and amount of each warrant the tax collector receives and shall write or stamp across the face of each warrant the date of receipt and the words "Received for taxes." No warrant received in payment of taxes shall draw interest after the date of receipt.

(3) This section does not apply to special assessments, appearing on the tax roll, levied by an irrigation, drainage or water supply district.

311.270 Discounting county orders prohibited. No county officer shall purchase or receive in payment of taxes or in exchange, or otherwise, any county orders or any demand against the county of the county officer for a claim allowed by the proper officer to allow the claim during the term of office of the county officer, for an amount less than that expressed on the face of the order or demand.

311.275 Grantor and grantee or buyer and seller proportionally liable. As between the grantor and the grantee of real property or the buyer and seller of personal property, when there is no express agreement as to payment of the taxes on the property becoming due and payable for the fiscal year in which the sale occurs, the grantor or seller is liable for the same proportion of the taxes as the part of the fiscal year prior to the day of the sale of the property bears to the whole of the fiscal year, and the grantee or buyer is liable for the remainder of the taxes. [Amended by 1977 c.718 §5]

311.280 Payment of taxes on part of property assessed as one parcel; division; when division not allowed; division between manufactured structure and parcel. (1) Any person desiring to pay taxes on any part of any real estate assessed as one parcel or tract may do so by applying to the county assessor or deputy county assessor. The county assessor shall determine the relative or proportionate value such part bears to the value of the whole tract assessed, and shall file a statement thereof with the tax collector, on which basis the assessment shall be divided and taxes shall be collected accordingly.

(2) The assessor or tax collector shall not divide an assessment under this section unless the person calling for the division of assessment owns, or holds a mortgage or other lien on that part only of such area on which the person desires to pay the taxes, and has filed with the assessor a true copy of the deed, contract of sale, mortgage or other instrument evidencing the interest in the part; provided that whenever such instrument is

otherwise recorded in the county records, such filing shall not be required.

(3) The assessor or tax collector shall not divide an assessment under this section unless all ad valorem taxes, fees and other charges required to be placed upon the tax roll that have been certified for collection under ORS 311.105 and 311.110 and become a lien upon the entire parcel of property have been paid. However, if the applicant for the division is a public body, only the portion of such taxes, fees and other charges apportionable to the part of the real estate owned by the public body, or on which the public body holds a mortgage or other lien, need be paid. As used in this subsection, "public body" means the United States, its agencies and instrumentalities, the state, a county, city, school district, irrigation or drainage district, a port, a water district and all other public or municipal corporations in the state exempt from tax under ORS 307.040 or 307.090.

(4) In the case of a parcel or tract of real estate which is being assessed under one of the special assessment laws listed in ORS 308A.733 (2) or under ORS 358.480 to 358.545, the assessor or tax collector shall not divide the assessment unless the portion of any additional taxes or penalty apportionable to the part of the property disqualified from special assessment is paid.

(5) In the case of property within the jurisdiction of a city or county which has adopted minor land partition regulations pursuant to ORS 92.046, the assessor shall not divide an assessment unless the person calling for the division of assessment has filed with the assessor evidence that the division has been approved as required by such regulations.

(6) Whenever a manufactured structure is assessed as real property under ORS 308.875, and the security interest holder of the manufactured structure is a person different from the owner of the parcel of land upon which it is situated, the security interest holder may apply to the assessor for a division of the value of the entire parcel between the value of the manufactured structure and the value of the remainder of the parcel. Using this value division, the tax collector shall allocate the taxes between the manufactured structure and the remainder of the parcel, and the security interest holder of the manufactured structure may pay the taxes on the value attributable to the manufactured structure and thereby free the manufactured structure from the lien of those taxes. If a division is made and taxes and special assessments are paid on the value attributable to the manufactured structure, the county may reclassify the manufactured structure as personal property, forward the ownership document application information to the Department of Consumer and Business Services and allow the structure to be moved as provided in ORS 446.631 without payment of the taxes and special assessments attributable to the remainder of the parcel.

(7) If protest is filed to the division, the matter shall be heard by the county commissioners or the county court (as defined in ORS 306.005) at its next regular session for transaction of county business, who shall make a final division of the assessment, and the tax collector shall collect and receipt for the taxes as so determined and ordered.

(8) No person shall apply in any year under this section for a division of the assessment of a subdivision made on the assessment roll prepared as of January 1 of the year in which the subdivision is finally approved. [Amended by 1953 c.109 §2; subsection (3) enacted as 1965 c.393 §3; 1967 c.58 §1; 1971 c.529 §16; 1975 c.579 §1; 1977 c.884 §17; 1979 c.689 §19; 1981 c.632 §1; 1983 c.748 §5; 1985 c.16 §457; 1985 c.613 §6; 1991 c.459 §241; 1993 c.6 §5; 1997 c.541 §290; 1999 c.314 §86; 2001 c.540 §22; 2003 c.655 §69]

311.285 Right of action of occupant or tenant paying tax against person who should pay; retention out of rent. If any tax on any real estate is paid by or collected from an occupant or tenant when there is some other person who, by agreement or otherwise, ought to pay the tax, or any part thereof, the occupant or tenant shall be entitled to recover by action the amount which the person should have paid with interest thereon, or the occupant or tenant may retain the same out of any rent due or accruing from the occupant or tenant to such person for real estate on which the tax is so paid.

311.290 [Repealed by 1953 c.705 §2]

311.325 [Repealed by 1965 c.344 §42]

311.330 [Repealed by 1965 c.344 §42]

311.335 [Repealed by 1969 c.595 §17]

311.340 [Repealed by 1969 c.595 §17]

311.345 Recovery of damages and interest for failure to settle taxes on assessment roll or for withholding payment of public moneys. (1) If a tax collector fails to make settlement of the taxes included in the assessment roll within the time required by ORS 311.395, the tax collector shall be charged with damages in an amount equaling five percent of the amount not settled within the time required by ORS 311.395, plus 12 percent interest per year on the damages from the day payment should have been made of the balance of unsettled taxes due from the tax collector.

(2) If a tax collector neglects or refuses to pay over all moneys received for taxes to the county treasurer, the tax collector shall,

in addition to the criminal penalty provided for in ORS 311.990 (6), be liable to pay damages in an amount equaling 10 percent of the amount not paid over, plus 12 percent interest per year on the damages from the day payment should have been made.

(3) The moneys, damages and interest authorized to be collected under this section may be collected by suit upon the bond of the tax collector for the recovery of the same.

(4) If a county treasurer neglects or refuses to distribute moneys in the unsegregated tax collections account as required by ORS 311.395 (6), the county treasurer shall be liable to pay damages in an amount equaling 10 percent of the amount not distributed as required by ORS 311.395, plus 12 percent interest per year on the damages from the day distribution should have been made. [Amended by 1963 c.238 §13; 1969 c.595 §13; 1979 c.689 §20; 1985 c.162 §5; 2003 c.190 §§14,15; 2007 c.537 §6]

311.350 Money received for specific object to be kept in proper fund. Money collected or received by any officer for a distinct and specified object shall be kept as a separate fund for the specified object and no portion shall be paid or applied to any other object or purpose without due authority.

311.355 [Repealed by 1965 c.344 §22 (311.356 and 311.361 enacted in lieu of 311.355)]

311.356 Receipt by tax collector of property tax payments; crediting payments. (1) After receipt of the tax roll each year the tax collector shall receive and receipt for all moneys received for taxes and other amounts charged on such roll, and for each payment, shall note on the tax roll at the appropriate property assessment the following:

(a) The date payment was received.

(b) The amount of the payment.

(c) The discount allowed, if any.

(d) The interest charged, if any.

(e) The number of the receipt issued for such payment.

(2) Except as provided under subsection (3)(a) and (c) of this section, the tax collector shall credit all payments of property taxes as follows:

(a) First, to the payment of any taxes assessed against and due on the property for which the payment was made, paying first the earliest such taxes due on that property; and

(b) Second, to the payment of taxes assessed on any other property which have by any means become a lien against the property for which the payment was made.

(3)(a) Payments of property taxes made by the state on behalf of tax-deferred homestead property under ORS 311.666 to 311.701 shall be credited to the current tax year.

(b) At the election of the taxpayer, payments of property taxes made by the taxpayer on behalf of tax-deferred homestead property under ORS 311.666 to 311.701 shall be credited as provided in subsection (2) of this section, except that the payments shall be credited first to the payment of taxes that are not qualified to be deferred under ORS 311.688 (1) or 311.689 (1), paying first the earliest of such taxes due on that property.

(c) Notwithstanding any contrary direction from the taxpayer, the tax collector shall credit payments of property taxes to the latest year for which taxes are due on the property for which payment is made if:

(A) The payment is made by a payer who is a mortgagee, beneficiary under a deed of trust or vendor under a land sales contract and who pays taxes on behalf of any taxpayer; and

(B) The mortgagee, beneficiary or vendor directs that the payment be credited to the latest year for which taxes are due on the property; and

(C) The mortgagee, beneficiary or vendor includes in the payment submitted with the direction given under subparagraph (B) of this paragraph only the amounts for the payment of taxes on one or more properties for which delinquent taxes are owed and does not include in that payment taxes on property for which no delinquent taxes are owed.

(d) If the mortgagee, beneficiary or vendor does not direct the tax collector as to the application of taxes being paid, then the tax collector shall apply all payments as provided under subsection (2) of this section.

(4) The tax collector may, for convenience, divide the tax roll, as payments are made, into two portions, and file each separately, one portion containing the paid accounts and another portion containing the unpaid accounts. From time to time, and no later than the receipt of the next year's tax roll, the tax collector shall compute and indicate on the tax roll the unpaid balance of taxes for each property assessment. [1965 c.344 §23 (enacted in lieu of 311.355); 1985 c.162 §6; 1987 c.219 §1; 1987 c.529 §3; 1989 c.601 §1; 1993 c.313 §2; 1999 c.22 §2]

311.360 [Repealed by 1965 c.344 §42]

311.361 Form of tax receipt; numbering; taxpayer's copy; temporary receipt; destruction of receipts. (1) Every tax receipt shall state plainly on its face the name of the county, the fiscal year for which the taxes entered therein have been levied fol-

lowed by the word "Taxes." The receipt shall show the exact amount paid, the date of payment, the property on which the taxes were paid and the code area for the property. The tax collector shall keep a stub receipt or a copy of each receipt or a computer record of the same information on each receipt issued and such stub receipt, copy or computer record shall be a public record. The receipts shall be numbered consecutively except that if more than one validating machine is used in validating and numbering the receipts, a consecutive number series may be used for each machine if the series is identified by a machine number or letter. The stubs or copies of the receipts, or the computer record, shall contain the post-office or residence address of the taxpayer, which may be ascertained and entered at the time of the payment. Preparation of a microfilm, a microfiche or an electronically stored record of the receipts constitutes a computer record.

(2) If the tax statement has been sent to the taxpayer with a copy to be retained by the taxpayer, no copy of the receipt need be given or sent to the taxpayer unless the taxpayer requests one.

(3) A temporary or interim receipt may be issued on payment of any installment of less than one-quarter of a particular tax account, each such receipt to be entered in the records of the tax collector's office.

(4) Notwithstanding any other provision of law, the tax collector's copy of the tax receipt may be destroyed when seven years have elapsed from the date the receipt was issued. [1965 c.344 §24 (enacted in lieu of 311.355); 1979 c.701 §1; 1993 c.6 §9; 2003 c.108 §2]

311.365 [Repealed by 1965 c.344 §42]

311.370 Receipts for taxes collected in advance of extension on the tax roll; entries in assessment roll; deposit of moneys in special account; posting payments; excess collections or deficiencies; reimbursement for refunds. (1)(a) For all taxes, penalties and other charges collected by the tax collector under, including, but not limited to, ORS 92.095, 100.110, 285C.050 to 285C.250, 308.260, 308.865, 308A.119, 308A.324, 308A.700 to 308A.733, 311.165, 311.206, 311.229, 311.405 (4) or (5), 311.415, 311.465, 354.690, 358.525, 446.631 and 454.225, the tax collector shall issue receipts similar in form to the receipts issued on payment of taxes regularly charged on the tax roll.

(b) The assessor shall enter all assessments of property to which paragraph (a) of this subsection applies in the assessment roll and shall make proper entries showing the extension of the taxes in the usual manner and as though no payment to the tax collector had been made.

(2) Upon receipt thereof, the tax collector shall deposit with the county treasurer all money collected by the tax collector under subsection (1) of this section. The county treasurer shall issue to the tax collector duplicate receipts for the money and shall hold it in a special account in the name of the tax collector.

(3) Upon delivery of the assessment roll pursuant to ORS 311.115, the tax collector shall post the payments evidenced by the receipts, and the amount of any underpayment or overpayment. The tax collector shall then make a statement to the county treasurer which shall specify the amount to be retained in the special account to make the refunds required under subsection (4) of this section. The tax collector shall direct the county treasurer to transfer the balance in the special account to the unsegregated tax collections account described in ORS 311.385.

(4) Any sum collected by the tax collector that exceeds the amount extended on the tax roll as provided in subsection (1)(b) of this section by more than $10 shall be refunded to the taxpayer by the county treasurer upon receiving instructions for doing so from the tax collector. If an amount remains that cannot be refunded by June 30 of the next calendar year, the tax collector shall instruct the treasurer to transfer the amount to the unsegregated tax collections account described in ORS 311.385.

(5) If a sum less than the tax charged on the tax roll has been collected, the deficiency shall be canceled by the tax collector if such sum is $10 or less, and the tax collector shall note upon the tax roll opposite the appropriate account, "Tax deficiency canceled pursuant to ORS 311.370." Otherwise, the deficiency shall be collected as provided by law.

(6) If an appeal that is perfected under ORS 311.467 for taxes collected under ORS 311.465 results in a refund under ORS 311.806, the reimbursement for the refund to the unsegregated tax collections account shall be made from the account provided for in subsection (2) of this section. [Amended by 1965 c.344 §25; 1967 c.93 §3; 1969 c.605 §19; 1971 c.230 §2; 1971 c.573 §2; 1975 c.365 §3; 1975 c.514 §16; 1977 c.892 §36; 1979 c.350 §1; 1979 c.702 §4; 1985 c.162 §7; 1991 c.459 §242; 1995 c.726 §2; 1999 c.314 §78; 2001 c.229 §4; 2001 c.303 §9; 2001 c.753 §9; 2003 c.655 §70; 2003 c.662 §51; 2009 c.52 §1]

Note: Section 2, chapter 52, Oregon Laws 2009, provides:

Sec. 2. The amendments to ORS 311.370 by section 1 of this 2009 Act apply to tax years beginning on or after July 1, 2009. [2009 c.52 §2]

311.373 [1983 c.474 §1; repealed by 1993 c.270 §73]

TAX DISTRIBUTION PROCEDURE

311.375 Forwarding state taxes by county treasurers. (1) On or before December 1 in each year each county treasurer shall pay over to the State Treasurer one-half of the amount of state taxes charged to the county of the county treasurer for the fiscal year then current. In similar manner the county treasurer shall pay over one-quarter of such taxes on or before March 1, and the remainder of such taxes on or before June 1, of the fiscal year.

(2) Each such payment of state taxes shall be made without deduction for any cause out of the first moneys collected and paid into the county treasury over which the county has control.

(3) If a county fails to pay to the State Treasurer its entire apportionment of the taxes within 30 days after the dates prescribed in subsection (1) of this section, the unpaid balance shall be deemed delinquent, and is a debt due and owing by the county to the state and the county shall pay the legal rate of interest thereon from such date until paid. The payment of such interest shall not relieve the county treasurer from any penalty imposed by law for failure to pay such taxes as required by law.

(4) If a county treasurer fails to pay to the State Treasurer any money in the hands of the county treasurer for the payment of the amount of state taxes charged to the county at the time prescribed in subsection (1) of this section, the county treasurer shall, in addition to other penalties, be liable to the following:

(a) If the county treasurer fails for a period of 10 days after the time prescribed, the county treasurer shall forfeit to the state 20 percent on the amount withheld.

(b) If the county treasurer fails for a period of 30 days after the time prescribed, the county treasurer shall forfeit the office as treasurer and is a public defaulter. [Amended by 1991 c.220 §4]

311.385 Deposit in unsegregated tax collections account; time requirements. (1) The tax collector shall deposit all property tax moneys with the county treasurer no later than:

(a) One business day after:

(A) Payment of the moneys is made in person at the office of the tax collector; or

(B) The tax collector receives moneys collected by a financial institution or other collection agency; or

(b) Thirty calendar days after the payment arrives by mail in the county mail receptacle.

(2) The tax collector shall take a receipt for all moneys deposited with the county treasurer.

(3) Property tax moneys shall not be deposited in any account other than the unsegregated tax collections account, except as provided in ORS 311.370, 311.484 and 311.508.

(4) No later than one business day after receiving notice of collection of tax moneys by a financial institution or other collection agency, the tax collector shall notify the county treasurer of the collection of those tax moneys.

(5) Except as provided in ORS 311.370, 311.484 and 311.508, the county treasurer shall deposit all property tax moneys to an account in the records of the county treasurer designated as the unsegregated tax collections account. Only those moneys that will be distributed under ORS 311.390 and interest earned from the investment of those moneys shall be deposited to the unsegregated tax collections account.

(6) As used in this section, "property tax moneys" includes all ad valorem taxes and all taxes on property, as defined in ORS 310.140, and all other amounts specifically authorized by law to be included on the assessment and tax roll, that are certified for collection under ORS 310.060 or other law and any interest on those taxes. [1963 c.606 §2; 1967 c.105 §5; 1969 c.595 §6; 1971 c.737 §4; 1985 c.162 §1; 1989 c.796 §13; 1991 c.459 §244; 1995 c.79 §147; 1997 c.631 §449; 2003 c.190 §§8,9; 2007 c.537 §3]

311.388 Additional taxes or penalties; deposit; distribution. (1) Additional taxes or penalties collected because of the disqualification of property from special assessment or exemption shall be deposited in the unsegregated tax collections account in the same manner as other ad valorem property taxes.

(2) For purposes of completing the percentage distribution schedule under ORS 311.390, the tax collector shall treat any additional taxes or penalties charged because of the disqualification of property from special assessment or exemption as having been imposed by the districts within which the property subject to the additional taxes or penalties is located. The amount of additional taxes or penalties attributable to each district shall be determined based on the percentage that the total ad valorem property tax rate of the district bears to the total rate for the property in the year in which the additional taxes or penalties were added to the roll. [1991 c.459 §246; 1997 c.541 §291]

311.390 Tax and interest distribution percentage schedule; deduction of certain amounts distributable to municipal corporations; changed or additional levies. (1)(a) When the tax collector receives the

assessor's certificate pursuant to ORS 311.115, the tax collector shall prepare and file with the county treasurer a percentage schedule of the ratio of taxes on property, as defined in ORS 310.140, and other amounts to be collected, after reductions necessary to comply with section 11b, Article XI of the Oregon Constitution, after making adjustments in accordance with ORS 311.105 (1)(c), for each governmental unit as shown in such certificate, compared to the total of each of those amounts.

(b) If a tax supervising and conservation commission has submitted to the tax collector a list of municipal corporations subject to proration and the amounts prorated under ORS 294.632, before the tax collector calculates the ratio of taxes on property under this subsection, the tax collector shall deduct the amounts submitted by the tax supervising and conservation commission from the amounts scheduled for distribution under this section for municipal corporations subject to the jurisdiction of the tax supervising and conservation commission. The amount deducted from the distribution to the municipal corporations shall be added to the amount distributed to the county.

(c) The schedule shall be approved by the county accountant, if one exists in the county, or by the county clerk before filing. Except as provided in subsections (2) and (3) of this section, the distribution of collections by the tax collector shall be made on the basis of the ratios computed pursuant to this section. The ratios computed pursuant to this section for a given fiscal year shall be used for the distribution of all taxes on property or penalties that have been imposed, collected and received for that fiscal year, regardless of the actual date of receipt, except for moneys retained by a county to pay bankruptcy costs under ORS 311.484. Interest earned on moneys in the unsegregated tax collections account shall be distributed according to the ratio applicable to the year in which the moneys are distributed.

(2) If, after the ratios are computed pursuant to this section, the amount of a levy or other tax on property is changed, or a levy or other tax on property is filed with the assessor pursuant to ORS 310.060 that had not been included in the tax distribution schedule for that year, the tax collector shall revise the percentages provided in subsection (1) of this section to reflect the corrected or added levy or tax and shall adjust the amounts previously distributed and to be distributed thereafter to reflect the revision in percentages.

(3) If, in the opinion of the tax collector, it is not feasible to make the revisions described in subsection (2) of this section, the tax collector shall treat the amount of the change in levy or tax or the additional levy or tax as a separate tax collection and segregate the moneys collected for the particular district or districts in the periodic statement of tax collections given to the county treasurer pursuant to ORS 311.395.

(4) If the percentage schedule is revised, a copy shall be filed with the county treasurer after approval by the county accountant, if one exists in the county, or by the county clerk.

(5) If, after the ratios are computed under this section, a levy or tax is changed or a levy or tax is filed with the assessor pursuant to ORS 310.060, that was not included in the tax distribution schedule for that year, future distributions of interest shall be based on the revised percentages that reflect the corrected or added levy or tax. No adjustments shall be made for previously distributed interest. [1963 c.606 §3; 1965 c.492 §2; 1967 c.105 §6; 1969 c.595 §7; 1983 c.310 §18; 1985 c.162 §2; 1991 c.459 §247; 1997 c.541 §292; 2001 c.114 §28; 2003 c.190 §§10,11; 2007 c.537 §4; 2009 c.596 §10]

311.391 Notice to taxing districts of amount of taxes imposed on property for tax year. No later than five working days after the tax collector files with the county treasurer the percentage schedule required under ORS 311.390, the tax collector shall notify each taxing district of the amount of taxes on property imposed for each district for that fiscal year. [1991 c.459 §247a]

311.392 County's option to advance to municipalities taxes levied prior to collection. (1) If, in the discretion of the county court, it is more economical to advance to those municipalities from the general fund of the county the total amount of taxes, assessments or other charges levied against property in the county, the county court may advance from the general fund of the county the full amount of the taxes, assessments and charges levied by those subdivisions and the county court may order the county tax collector to revise the tax distribution schedule provided by ORS 311.390 so that all taxes, assessments and charges advanced by the county will be allocated to the county. If the county makes the payments provided in this section, it shall have no recourse against the political subdivision for recovery of the shrinkage in collections from that anticipated at the time the payment was made.

(2) If the county advances taxes under this subsection, before December 1 of each year, it may deduct from the levy the three percent discount which would have been given by the district had all of the taxes been paid by November 15 and turned over to the district on or before December 1 of each year. If the payment is made after December

1, no discount shall be taken by the county. [1965 c.492 §4; 1969 c.595 §8]

311.395 Periodic statements of tax collections; crediting to funds; distribution to taxing units. (1) The tax collector shall make statements of the exact amounts of property tax moneys in cash and warrants collected as follows:

(a) For the period beginning on the first Monday following the last Friday in October through the last Friday in November, the tax collector shall make weekly statements of those taxes that are collected for the current tax year.

(b) For the period beginning the first Monday following the last Friday of November through the last Friday of October of the ensuing year, the tax collector shall make quarterly statements of those taxes that are collected for the current tax year.

(c) The tax collector shall make quarterly statements of taxes collected for prior years.

(d) Notwithstanding paragraph (b) or (c) of this subsection, if the balance in the unsegregated tax collection account as of the close of any month for any tax year (the current tax year or any prior tax year) exceeds $10,000 or if requested by any taxing district, and if weekly statements are not required, then the tax collector shall make a statement for the period since the last statement for the tax year.

(e) If the processing of tax payments for the current tax year received or postmarked on or before the November 15 due date (or if the due date is extended under ORS 311.507, the due date pursuant to the extension) is not substantially completed as of the last Friday in November, the tax collector shall continue to make weekly statements until the end of a week when the processing is substantially completed.

(2)(a) Each statement shall be of taxes collected during the weekly, monthly, quarterly or other period for which the statement is required.

(b) The statements prepared under subsection (1) of this section shall specify the tax years for which the payments of taxes were made.

(c) A copy of each statement shall be filed with the county clerk and a copy shall be filed with the county treasurer no later than the fifth business day after the last business day of the period for which the statement is prepared. A copy of each statement shall be retained in the office of the tax collector.

(3) For the purposes of this section, property tax moneys are collected when:

(a) Payment is made in person at the office of the tax collector;

(b) The tax collector receives tax moneys or notice of tax moneys collected by a financial institution or other collection agency;

(c) The tax collector receives payment or notice of payment of tax moneys by the state; or

(d) The tax collector has posted a payment that arrived by mail in the county mail receptacle.

(4) Each statement required under subsections (1) and (2) of this section shall separately state the amount deposited into the property tax bankruptcy account under ORS 311.484 for the period covered by the statement.

(5) The statements required under subsections (1) and (2) of this section may be made more often and for shorter periods if the tax collector so desires but one of the statements so filed shall cover a period coinciding with the last business day of the particular calendar month or quarter during the period.

(6) The county treasurer shall credit the total amount of moneys set out in the statements prepared under subsections (1) and (2) of this section, except for the amount deposited into the property tax bankruptcy account under ORS 311.484, to the several funds for which the moneys were respectively received in accordance with the schedule provided in ORS 311.390. The county treasurer shall keep the moneys and warrants received from the tax collector in their respective funds.

(7) Within five business days of receiving a statement required by subsection (1) or (2) of this section, the county treasurer shall distribute the amount of money set out in the statement, except for the amount deposited into the property tax bankruptcy account under ORS 311.484, to the several taxing units according to the ratios provided in ORS 311.390. The county treasurer shall distribute interest earned on moneys in the unsegregated tax collections account at least as often as the treasurer receives a statement from the tax collector under subsection (1)(b) or (d) of this section. When statements are received under subsection (1)(a) of this section, the county treasurer shall distribute interest at least once a calendar month. [1963 c.606 §8; 1969 c.595 §9; 1971 c.355 §1; 1985 c.162 §3; 1987 c.220 §1; 1991 c.459 §248; 1993 c.270 §58; 1997 c.631 §450; 2003 c.190 §§12,13; 2007 c.537 §5]

TAX LIENS; SUMMARY COLLECTIONS

(Generally)

311.405 Tax as lien; priority; effect of removal, sale or transfer of personal property. (1) All ad valorem property taxes lawfully imposed or levied on real or personal property are liens on such real and personal property, respectively. Such taxes include delinquent taxes on personal property made a lien on real property, and ad valorem property taxes on real or personal property added to an assessment or tax roll pursuant to ORS 311.216 to 311.232.

(2) Taxes on real property shall be a lien thereon from and including July 1 of the year in which they are levied until paid and, except as otherwise specifically provided by law, such lien shall not be voided or impaired.

(3)(a) Taxes on personal property shall be a lien:

(A) On any and all of the particular personal property assessed and on any and all of the personal property assessed as the same category, as disclosed by the property tax return and assessment list; and

(B) For purposes of distraint, on any and all of the taxable personal property owned by or in the possession or control of the person assessed.

(b) The liens for taxes on personal property shall attach on and after July 1 of the year of assessment and shall continue until the taxes are paid, except as provided in subsection (4) or (5) of this section and ORS 311.410.

(c) Notwithstanding paragraph (a) of this subsection, if possession of personal property that is subject to a perfected security interest is taken by a secured party on default, the lien for taxes on the property shall be limited to the taxes on the particular property and not the taxes on any other property of the debtor.

(4)(a) If a manufactured structure or floating home is removed from the county in which it is assessed to another county in this state on or after January 1 and before July 1 of the assessment year, taxes on the manufactured structure or floating home shall be a lien on the manufactured structure or floating home that attaches as of the day preceding the date of removal.

(b) If a manufactured structure or floating home is removed from the county in which it is assessed to a location that is outside this state on or after January 1 and before July 1 of the assessment year, the manufactured structure or floating home shall be removed from the assessment and tax roll for the corresponding tax year beginning July 1.

(c) The taxes arising from a lien under this subsection may be paid to the tax collector prior to the completion of the next general property tax roll, pursuant to ORS 311.370.

(d) As used in this subsection, "taxes" means the amount computed using the assessed value then on the assessment and tax roll for the manufactured structure or floating home or the value that next would be used on the assessment and tax roll, if known at the time the lien is created, and the assessor's best estimate of taxes, special assessments, fees and other charges for the tax year that corresponds to the assessment year in which the removal occurs.

(5)(a) If taxable personal property, other than a manufactured structure or floating home, is removed from the county in which it is assessed, or is sold or otherwise transferred to another owner, on or after January 1 and before July 1 of the assessment year, taxes on the removed, sold or transferred personal property shall be a lien on the personal property described in subsection (3)(a)(A) of this section that attaches as of the day preceding the date of removal, sale or transfer.

(b) The taxes arising from a lien under this subsection may be paid to the tax collector prior to the completion of the next general property tax roll, pursuant to ORS 311.370.

(6) Where real or personal property is omitted from the assessment or tax roll prepared as of January 1 of the current tax year and notice is given pursuant to ORS 311.216 to 311.232 during such year and the property subsequently is added to such roll pursuant to ORS 311.216 to 311.232, the taxes shall be a lien on such property and on other property at the same time and in the same manner as taxes became liens on the taxable property not so omitted from the roll.

(7) Taxes on real and personal property omitted from an assessment or tax roll prepared as of the assessment date of a prior calendar or tax year and added to such roll pursuant to ORS 311.216 to 311.232, shall be a lien on such property from and including the date the addition or correction is made on such roll. Where the omitted property consists of any building, structure or improvement which has been severed or removed from the land, the taxes on such property also shall be a lien against the land. Where the property omitted is personal property, the taxes also shall be a lien on any and all of the taxable personal property of the person assessed from such date of addition or correction. However, no taxes shall

become a lien on real or personal property under this subsection where the property was transferred to a bona fide purchaser as defined in ORS 311.235 after the assessment date for such prior tax year and prior to the lien date provided for hereunder.

(8) Each lien, whether on real or personal property, shall include all interest, penalties and costs applicable by law to any of such taxes.

(9)(a) Except as provided in paragraph (b) of this subsection, the liens for ad valorem taxes, including and not limited to the general lien provided by subsection (3)(a)(B) of this section, created under this section are superior to, have priority over and shall be fully satisfied before all other liens, judgments, mortgages, security interests or encumbrances on the property without regard to date of creation, filing or recording.

(b) If it becomes necessary to charge personal property taxes against real property under ORS 311.645, if the county obtains a judgment under ORS 311.455 or records a warrant under ORS 311.625, or if in any other manner personal property taxes are made a lien against real property, any judgment, mortgage or other lien or encumbrance on the real property that is placed of record prior to the date the personal property tax becomes a lien on the real property has priority over the personal property tax lien. [Amended by 1953 c.707 §2; 1955 c.720 §3; 1981 c.346 §1; 1985 c.794 §1; 1991 c.459 §249; 1991 c.903 §4; 1997 c.541 §293; 2001 c.42 §1; 2001 c.229 §1]

311.410 Effect of property transfer or lease termination on lien and on taxability of property. (1) Real property or personal property that is subject to taxation on July 1 shall remain taxable and taxes levied thereon for the ensuing tax year shall become due and payable, notwithstanding any subsequent transfer of the property to an exempt ownership or use. Taxes that are unpaid as of the termination of a lease, lease purchase agreement or other instrument resulting in the taxation of the property shall remain a lien on the property as of the day prior to the termination of the lease, lease purchase agreement or other instrument. Real or personal property exempt from taxation on July 1 shall remain exempt for the ensuing tax year, notwithstanding any transfer within the tax year to a taxable ownership or use.

(2) A sale or transfer of personal property or any part of personal property does not affect the lien under ORS 311.405 (3)(a)(A), (4) or (5). Taxes on personal property transferred from a tax exempt to a taxable ownership or use shall be a lien on any and all of the personal property assessed to the person and on any and all of the taxable personal property of the person assessed from and including the date of transfer until paid. The liens shall be subject to this section and ORS 311.405.

(3) Notwithstanding ORS 311.405 (4) or (5), real or personal property is exempt for the ensuing tax year if the property is transferred or changed from a taxable to an exempt ownership or use at any time before July 1 of any year. However, if the property is exempt under a provision of ORS chapter 307 that requires the filing of a claim for exemption, the transfer does not operate to render the property exempt from taxation for the ensuing tax year unless the required claim for exemption is filed on or before the date specified in the applicable statute or within 30 days after the date of acquisition or, if relevant under the applicable exemption statute, the change of use of the property, whichever is later. This section does not limit other statutes that prescribe filing dates for claiming an exemption.

(4) Real or personal property is taxable for the ensuing tax year if the property is transferred or changed at any time before July 1 of any year from an exempt ownership to a taxable ownership or taxable use. Transfer of real or personal property from a tax-exempt use to a taxable use at any time between January 1 and June 30 of any year constitutes notice to the transferee, owner or person in control of the property that the property will be subject to taxation for the ensuing tax year. In the case of real property, the transferee, owner or person in control of the property shall advise the county assessor of the transfer. In the case of personal property, the transferee, owner or person in control of the property shall make a return of the property that lists the information required by ORS 308.290 within 30 days after the transfer.

(5) Real property that is the subject of eminent domain proceedings instituted by a public body shall, for the purposes of this section, be deemed to have been transferred as of the date of payment therefor, the date of entry into possession by the public body or the date of entry of judgment in the eminent domain proceedings, whichever is earlier. [Amended by 1953 c.707 §2; 1963 c.233 §1; 1969 c.237 §2; 1973 c.402 §16; 1977 c.884 §18; 1979 c.692 §11; 1979 c.704 §2; 1981 c.346 §2; 1987 c.756 §9; 1991 c.459 §250; 1993 c.270 §59; 1995 c.513 §3; 1997 c.819 §13; 2001 c.42 §2; 2001 c.229 §2; 2005 c.94 §63; 2007 c.524 §1]

311.412 Effect of acquisition of property by state or political subdivision by eminent domain on taxes for prior fiscal years. (1) Whenever, by eminent domain proceedings, the State of Oregon or any political subdivision thereof acquires title to any real property upon which property taxes for any year or years prior to the fiscal year

of such acquisition have become a lien upon said real property, all such liens shall be transferred to and be paid out of the award of the jury given in such proceedings. The real property acquired by the state or any political subdivision thereof shall be free and clear of any liens or liability for such property taxes.

(2) In the event the real property acquired by the state or any political subdivision thereof was a part of a larger parcel upon which property taxes for any year or years prior to the fiscal year of such acquisition have become a lien, only such proportion of such taxes as the assessed value of the part acquired by the state or the political subdivision thereof bears to the assessed value of the said larger parcel shall be transferred to and paid out of the award of the jury given in said proceedings, and the remainder of such taxes shall continue a lien upon the remainder of said larger parcel. [1953 c.539 §1]

311.413 Effect of acquisition of property by state or political subdivision by eminent domain on taxes for current fiscal year. (1) Whenever, by eminent domain proceedings, the State of Oregon or any political subdivision thereof acquires title to any real property upon which property taxes have been levied for the fiscal year in which such property is acquired, the state or the political subdivision thereof shall pay such proportion of said taxes as the period from the date of acquisition until the end of the fiscal year bears to the entire fiscal year. The remainder of said taxes shall become a lien upon and shall be paid out of the award of the jury given in said eminent domain proceedings.

(2) In the event the real property acquired by the state or any political subdivision thereof is a part of a larger parcel upon which property taxes have been levied for the fiscal year of such acquisition, only such proportion of said taxes as the assessed value of the part acquired by the state or a political subdivision thereof bears to the assessed value of said larger parcel shall be paid by the state or the political subdivision thereof or become a lien and be paid out of the award of the jury as provided in this section, and the remainder of such taxes shall continue a lien upon the remainder of said larger parcel. [1953 c.539 §2]

311.414 Date of acquisition for purposes of ORS 311.412 and 311.413. For the purposes of ORS 311.412 and 311.413, the date of acquisition of real property by eminent domain proceedings by the State of Oregon or any political subdivision thereof shall be deemed to be the date possession thereof is taken by the state or the political subdivision thereof, or the date final judgment is entered in the eminent domain proceedings, whichever is earlier. [1953 c.539 §3]

311.415 Payment of taxes before entry of judgment or order in certain causes. (1) Before any judgment or final order shall be entered or become operative in any court in this state in any of the causes listed in subsection (3) of this section, it shall first be shown to the satisfaction of the court that all taxes due or owing from the defendant, judgment debtor, heir, devisee, executor, administrator, trustee, agent, conservator or guardian, or which may be collected by virtue of the assessment and taxation laws of this state, have been paid.

(2) If the judgment or final order is to be taken and entered after January 1, while the assessment roll is in the possession of the assessor, and pertains to an assessment to be made as of January 1, the receipt for the taxes shall be given by the assessor upon an assessment made as follows:

(a) If the exact amount of taxes, special assessments, fees and charges are able to be computed by the assessor, such amount shall be paid to the tax collector. The assessor is authorized to levy and the tax collector is authorized to collect such amount.

(b) If the assessor is unable to compute the exact amount at the time, either (A) there shall be paid the amount estimated by the assessor to be needed to pay the taxes, special assessments, fees and other charges to become due, or (B) there shall be deposited with the tax collector a bond with good and sufficient undertaking in the amount that the assessor considers adequate to insure payment of the taxes to become due. In no event shall the bond amount exceed twice the amount of the previous year's taxes, special assessments, fees and other charges computed under this subsection. Taxes paid or bonded for under this section shall be entitled to any discount provided by ORS 311.505. ORS 311.370 shall apply to amounts assessed and collected under this subsection.

(3) This section applies to the following causes:

(a) An assignment for the benefit of creditors.

(b) The estate of a deceased person or any other proceeding in probate involving the distribution of personal property.

(c) Any proceeding to enforce the payment of a debt where the property involved is assessable personal property. [Amended by 1973 c.823 §126; 1975 c.780 §10; 1979 c.350 §13; 1981 c.804 §88; 1991 c.459 §251; 1997 c.541 §294]

311.420 Dissipation, removal or destruction of value of realty subsequent to assessment or tax day. (1) All taxes levied

on real property, the value of which is substantially dissipated, removed or destroyed by the owner thereof, or by the authority of the owner, subsequent to the assessment or tax day of any year, shall be a debt due and owing from the owner of the real property from the time the taxes are or may be levied.

(2) If the taxes are not paid before they become delinquent, or on the earlier demand of the tax collector, the county in which the taxes are due and owing may, in addition to the remedies provided by statute for the collection of taxes on real property, maintain an action for itself, and for all other municipal corporations, taxing districts or political subdivisions sharing in the taxes, against the owner of the property for the collection of the taxes, together with interest, penalties, costs and other lawful charges thereon. At the time of the commencement of the action for the collection of such taxes, the county shall have the benefit of all the laws of this state pertaining to provisional remedies against the property, either real or personal, of the owner owing the taxes, without the necessity of filing either an affidavit or undertaking, as otherwise provided by statute. The county clerk of the county where the action is commenced shall immediately issue writs of attachment on application therefor by the tax collector or the district attorney for the county as plaintiff. The writs shall be directed to the sheriffs of as many counties as the tax collector or the district attorney directs.

(3) This section does not apply if the real property is substantially dissipated, destroyed or removed by fire or the elements.

311.425 Removing timber before paying taxes on timber or land prohibited; enjoining the cutting or removing of timber. (1) No person, firm or corporation shall log off or remove any standing or down timber until the taxes then due and payable on the timber and the taxes then due and payable on the land upon which the timber is or was standing or situated, including the taxes on any portion of the timber previously logged off or removed, have been fully paid. If the timber is owned entirely separate and apart from the land whereon it grows or is situated and is not merely held under an executory contract, the owner of the land is not responsible for the taxes on the timber.

(2) In addition to the fine provided for in ORS 311.990 (3), the county in which the property is located may, through the district attorney of the county, maintain injunction proceedings against the person, firm or corporation from cutting or removing the timber in violation of subsection (1) of this section. [Amended by 1985 c.759 §4]

311.430 Remedy of ORS 311.420 and 311.425 as cumulative. ORS 311.420 and 311.425 shall be construed as cumulative of all other remedies for the collection of taxes against real property and shall not be construed as a repeal of any statute for the assessment or collection of taxes against real property.

311.455 Tax on personal property as debt; action for collection of tax. (1) All taxes levied on personal property shall be a debt due and owing from the owner of the personal property.

(2) If taxes on personal property are not paid before they become delinquent, or on the earlier demand of the assessor or tax collector, the county in which the taxes are due and owing may, in addition to the remedies provided by statute for the collection of taxes on personal property, maintain an action for itself, and for all other municipal corporations, taxing districts or political subdivisions sharing in the taxes, against the owner of the personal property for the collection of the taxes, together with interest, penalties, costs and other lawful charges thereon.

(3) At the time of the commencement of the action for the collection of such taxes, the county shall have the benefit of all the laws of this state pertaining to provisional remedies against the property, either real or personal, of the owner owing the taxes, without the necessity of filing either an affidavit or undertaking, as otherwise provided by statute. The county clerk of the county where the action is commenced shall immediately issue writs of attachment on application therefor by the tax collector or the district attorney for the county as plaintiff. The writs shall be directed to the sheriffs of as many counties as the tax collector or the district attorney directs.

311.460 [Repealed by 1975 c.365 §4]

311.465 Summary collection of delinquent tax or tax on property about to be removed, sold or destroyed. (1) Subsection (2) of this section applies if:

(a) The county assessor discovers personal property subject to assessment for taxation in any year and taxes imposed on the property in a prior year are delinquent; or

(b) In the opinion of the assessor it seems probable that personal property may be removed from the county, sold, dissipated or destroyed before the taxes on the property otherwise become due and payable and it further appears that the owner or person liable for the taxes had no property subject to taxation in the county during either of the two preceding tax years, or was delinquent in the payment of any tax imposed during the

two preceding tax years in respect to property in any jurisdiction, whether within or without the state, or is not financially responsible or intends to depart from the state before the taxes become due.

(2) The assessor may, immediately after listing and valuing the personal property for assessment and taxation, levy, demand and collect for remittance to the tax collector, or the tax collector may collect, the taxes on the property as follows:

(a) If the assessor is able to compute the exact amount of taxes, special assessments, fees and charges, such amount shall be paid to the assessor for remittance to the tax collector or directly to the tax collector; or

(b) If the assessor is unable to compute the exact amount at the time, either:

(A) There shall be paid the amount that the assessor estimates is needed to pay the taxes, special assessments, fees and other charges to become due; or

(B) There shall be deposited with the tax collector a bond with a good and sufficient undertaking in the amount that the assessor considers adequate to ensure payment of the taxes to become due. In no event shall the bond amount exceed twice the amount of the taxes, special assessments, fees and other charges computed by the assessor under this paragraph.

(3) Taxes paid or bonded for under subsection (2) of this section shall be entitled to the discount provided by ORS 311.505. ORS 311.370 shall apply to the amounts assessed and collected under subsection (2) of this section. Any taxes collected under subsection (2) of this section, and subject to refund on order of the tax court under ORS 311.467, shall be held in the special account mentioned in ORS 311.370 by the county treasurer until the period for petitioning for review of the assessor's action has expired, or, when a review is had, until the review is determined. If the tax court, upon review, orders a refund, the county treasurer shall make the refund from the special account within three days after entry of the department's order.

(4) If the owner or person liable for the taxes on the personal property fails to pay the tax on demand by the assessor, the assessor shall certify the assessment and tax levies made under this section to the tax collector of the county. The taxes thereupon shall be collected by the tax collector in the manner of collecting delinquent taxes on personal property. The taxes when so certified by the assessor are delinquent and subject to the provisions of law for the collection of delinquent taxes on personal property. [Amended by 1955 c.710 §2; 1975 c.780 §12; 1979 c.350 §14; 1981 c.804 §89; 1995 c.650 §67; 1999 c.21 §29]

311.467 Review of assessor's action under expedited collection provisions. (1) When any assessor, under ORS 311.165 or 311.465, demands payment of taxes on real or personal property before such taxes otherwise become due and payable, the owner or person who is liable for the taxes on the property and who has paid to the assessor the amount demanded may, within 10 days from such demand, petition the tax court for review of the assessor's action.

(2) The review shall be governed by the provisions of ORS chapter 305, in so far as such provisions are applicable and not in conflict with this section.

(3) The tax court magistrate shall complete its review and determination within 20 days after its receipt of the petition for review and shall either affirm the action taken by the assessor or order a refund of the taxes paid. The decision of the tax court magistrate shall be final. No rehearing shall be had except on the tax court magistrate's own motion; and the decision shall not be appealable under ORS 305.501. Any costs incident to the hearing shall be assessed by the tax court magistrate against the losing party. [1955 c.710 §1; 1973 c.343 §2; 1977 c.870 §38; 1995 c.650 §68]

311.470 Distraining property about to be removed from state or dissipated. If at any time the tax collector has reason to believe that personal property, including property classified as real property machinery and equipment, is being removed or is about to be removed from the state, is being dissipated or is about to be dissipated, the tax collector immediately shall distrain sufficient of the property or cause sufficient property to be distrained to pay the taxes, together with interest, penalties and costs, on all the property being removed or about to be removed, being dissipated or about to be dissipated. The tax collector shall cause such property to be sold or sell such property in the manner provided in ORS 311.640. [Amended by 1973 c.305 §7; 1981 c.346 §8; 2001 c.41 §1]

311.473 Foreclosure sale of property to be removed from county; required notice by financial institution; recourse for failure to give notice. (1) Any financial institution, as defined in ORS 317.010, or agent or representative of a financial institution, that, in the process of foreclosing any security interest or other lien on taxable personal property, including property classified as real property machinery and equipment, or after the lien is foreclosed, causes the property to be removed, or is knowledgeable that the property will be removed by another after the foreclosure sale, from the county in

which the property is assessed or seized, shall notify the tax collector of that county prior to the removal. The notice shall be mailed to the tax collector, return receipt requested, and shall contain a description of the property that is the subject of the foreclosure, together with the name and address of the owner or owners of the property.

(2) Failure to give the notice required under subsection (1) of this section shall not affect the foreclosure, but the tax collector shall have recourse against the financial institution on behalf of the taxing units for any damages sustained on account of failure to mail the notice. [1987 c.312 §2; 2001 c.41 §2]

311.475 Collecting and remitting taxes on property removed from one county to another. If personal property, including property classified as real property machinery and equipment, on which taxes are due and unpaid has been removed from one county to another county of this state, the tax collector of the county from which the property was removed shall certify a statement of the taxes, with interest and penalties, to the tax collector of the county to which the property was removed. The statement shall contain a transcript of so much of the tax roll as relates to the property and the owner thereof. The tax collector receiving the certified statement shall have the same power to collect the taxes, with interest, penalties and costs thereon, as the tax collector has to collect taxes levied on personal property assessed in the tax collector's own county. The tax collector making the collection immediately shall remit the amount collected, less the costs, to the tax collector from whom the statement and certified transcript was received, together with a statement showing in detail the respective amounts of taxes, interest, penalties and costs collected. [Amended by 2001 c.41 §3]

(Bankruptcy Collections)

311.480 Bankruptcy accelerates property taxes; presenting claim. If a tax has been levied against real or personal property, and thereafter and prior to the date the tax becomes due and payable, the person against whom the tax is charged files a petition in bankruptcy, or is adjudged a bankrupt upon an involuntary proceeding, the tax shall become immediately due. The tax collector of the county where the tax was levied shall prepare and present to the bankruptcy court proof of claim of the county for the tax. [Amended by 1995 c.780 §4; 2003 c.190 §§6,7; 2007 c.537 §2]

311.484 Property tax bankruptcy account. (1) A county may establish a property tax bankruptcy account. The account shall consist of interest earned on the account and moneys deposited into the account by the tax collector from taxes and any related penalties, but excluding interest, that are:

(a) Due under ORS 311.405 (2) and (3)(a) and (b) or 311.480; and

(b) Collected pursuant to an order of a bankruptcy court.

(2) If a county establishes a property tax bankruptcy account under this section, the county treasurer shall deduct from the account and deposit with the county an amount that is sufficient to reimburse the county for costs incurred by the tax collector to pursue collection of taxes and penalties described in subsection (1) of this section. Costs allowed under this subsection include:

(a) Attorney fees, which may include the amount billed by retained counsel, the documented hourly cost of county counsel services and reasonable county counsel overhead; and

(b) Expenditures and disbursements, which may include filing fees, copying charges, travel expenses and other expenditures directly related to the bankruptcy proceeding.

(3) After estimating the amount necessary for reimbursements under subsection (2) of this section, the county treasurer may periodically deposit into the unsegregated tax collections account described in ORS 311.385 the portion of the property tax bankruptcy account that the treasurer deems reasonable and prudent.

(4) Not later than June 30 of each year, the county treasurer shall deposit the balance of the property tax bankruptcy account, including interest and excluding an amount that is reasonably necessary for reimbursements under subsection (2) of this section, in the unsegregated tax collections account described in ORS 311.385 for distribution in accordance with ORS 311.390. [2003 c.190 §2]

Note: 311.484 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 311 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

311.485 [Repealed by 1965 c.344 §42]

311.489 Bankruptcy collections efforts report. Not later than September 1 of each year, the tax collector shall distribute to all taxing districts a report that outlines bankruptcy collection efforts for the previous tax year. The report shall include:

(1) A list of all bankruptcy proceedings for which the county was reimbursed for attorney fees pursuant to ORS 311.484.

(2) The total amount of taxes and penalties collected through an order of a bankruptcy court.

(3) The total amount reimbursed to the county under ORS 311.484 for attorney fees and costs and disbursements. [2003 c.190 §3]

Note: 311.489 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 311 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

311.500 [1989 c.796 §§10,22; 1991 c.459 §253; 1997 c.782 §7; repealed by 1999 c.701 §10]

DELINQUENT TAXES; COLLECTION

311.505 Due dates; interest on late payments; discounts on early payments. (1) Except as provided in subsection (6) of this section, the first one-third of all taxes and other charges due from the taxpayer or property, levied or imposed and charged on the latest tax roll, shall be paid on or before November 15, the second one-third on or before February 15, and the remaining one-third on or before May 15 next following.

(2) Interest shall be charged and collected on any taxes on property, other charges, and on any additional taxes or penalty imposed for disqualification of property for special assessment or exemption, or installment thereof not paid when due, at the rate of one and one-third percent per month, or fraction of a month until paid.

(3) Discounts shall be allowed on partial or full payments of such taxes, made on or before November 15 as follows:

(a) Two percent on two-thirds of such taxes so paid.

(b) Three percent where all of such taxes are so paid.

(4) For purposes of this section, "taxes" includes all taxes on property as defined in ORS 310.140 and certified to the assessor under ORS 310.060 except taxes assessed on any other property which have by any means become a lien against the property for which the payment was made.

(5) All interest collected and all discounts allowed shall be prorated to the several municipal corporations, taxing districts and governmental agencies sharing in the taxes or assessments.

(6) If the total property tax is less than $40, no installment payment of taxes shall be allowed. [Amended by 1953 c.49 §2; 1957 c.543 §1; 1965 c.344 §26; 1973 c.142 §1; 1975 c.704 §2; 1979 c.241 §9; 1979 c.703 §§1, 3; 1987 c.529 §2; 1991 c.459 §252; 1997 c.819 §17; 1999 c.701 §1]

311.506 Review of rate of interest by Legislative Assembly. During each biennial regular session, the Legislative Assembly shall review the rate of interest, as specified under ORS 311.505 (2) that is charged and collected on property taxes that are due and unpaid. [1989 c.796 §10a; 2001 c.114 §29]

311.507 Discount allowed for certain late payments. (1) Notwithstanding the requirement in ORS 311.505 (3) that to receive a discount upon payment of taxes, the taxes must be paid on or before November 15, the discount provided by ORS 311.505 (3) shall be allowed:

(a) If the taxes are paid within 15 business days after the date the tax statement is mailed by the tax collector, or by November 15, whichever is the later;

(b) If under ORS 311.252 (2) or 311.253, the mortgagee or other person has received from the county a defective or inaccurate computer record, and the taxes are paid within 15 business days after the corrected computer record is delivered to the mortgagee or person, or by November 15, whichever is later;

(c) If the reason for nonpayment by November 15 is on account of the county not providing a computer record pursuant to a mutual agreement as provided under ORS 311.253 and tax statements are substituted by the county for the computer record. To receive a discount pursuant to this paragraph, the taxes must be paid within 20 business days after the tax collector mails the tax statements, or the taxpayer has been notified in writing by the tax collector that the computer record will not be provided, whichever date is later; or

(d) Except under conditions described in ORS 311.229 (2), if property or value is added to the tax roll under ORS 311.208 and the taxes becoming due as a result of the addition are paid in the period prior to the 16th day of the month next following the month of their extension.

(2) Nothing in this section shall affect the due dates of the installment payments or the computation of interest upon failure to pay the installment on the date due. As used in this section, business days mean days other than Saturdays and legal holidays. [1979 c.703 §14; 1985 c.613 §27; 1987 c.313 §1; 1991 c.459 §254; 1993 c.23 §1; 1997 c.114 §1; 2001 c.303 §11; 2003 c.108 §4]

311.508 Disposition of interest on late payments; certification of estimated interest. (1) Except as provided under subsection (2) of this section and notwithstanding ORS 311.505 (5):

(a) Twenty-five percent of the interest charged and collected under ORS 311.505 shall be deposited and credited to the County Assessment and Taxation Fund created under ORS 294.187; and

(b) An additional 25 percent of the interest charged and collected under ORS 311.505 shall be deposited and credited to the County Assessment and Taxation Fund created under ORS 294.187 to the extent the interest would

otherwise be distributed to cities or other taxing districts that are not counties or districts within the public school system.

(2) On or before June 15 of each year, the Department of Revenue shall estimate the amount of interest that will be deposited and credited to the County Assessment Function Funding Assistance Account created under ORS 294.184 for the ensuing fiscal year. If the estimate is less than $13 million, the department shall certify to each county treasurer an increase in the percentage specified under subsection (1)(a) of this section to the end that the estimate reaches $13 million. However, no increase in percentage shall be certified that will raise and make available for deposit and credit to the County Assessment Function Funding Assistance Account for the ensuing fiscal year an amount that is in excess of $3 million over the amount estimated under this subsection to be received under subsection (1)(a) of this section for the ensuing fiscal year.

(3) Upon receipt of certification from the department under subsection (2) of this section, the county treasurer shall deposit and credit to the County Assessment and Taxation Fund for the fiscal year to which the certification applies the percentage of the interest charged and collected under ORS 311.505 so certified.

(4) The percentage of the interest on unpaid taxes and penalties required to be deposited and credited to the County Assessment and Taxation Fund under this section shall be deposited and credited in the same manner that the remaining interest is deposited and credited under ORS 311.385. [1989 c.796 §12; 1991 c.459 §255; 1997 c.782 §10; 1999 c.701 §2]

311.510 Date of delinquency. Taxes on real property not paid on or before May 15 shall be delinquent. Taxes on personal property shall become delinquent whenever any third thereof, or other specified installment, is not paid on or before its due date, as provided in ORS 311.505. [Amended by 1979 c.703 §10]

311.512 Collection of taxes on manufactured structures. (1) Taxes on manufactured structures assessed as real property shall become due, become delinquent, and be collected at the same time and in the same manner as taxes on other real property. Taxes on manufactured structures assessed as personal property are subject to all the provisions of law relating to the assessment, taxation and collection of personal property taxes.

(2) The seizure and sale for tax delinquency of a manufactured structure assessed as personal property must be conducted and carried out in the same manner as provided by law for the seizure and sale of other personal property for the collection of taxes due thereon, except as follows:

(a) If the records of the Department of Consumer and Business Services indicate that the person to whom the seized manufactured structure is assessed is not the security interest holder, the tax collector, before selling the manufactured structure, shall give notice of the sale to any security interest holder by registered or certified mail, addressed to the security interest holder at the last-known address of the holder as shown by the records of the Department of Consumer and Business Services, mailed not later than the 10th day before the sale.

(b) At any time before the sale, the person assessed or security interest holder of the manufactured structure to be sold may pay the tax collector the full amount of the delinquent taxes, plus any penalties and interest thereon, and costs incurred by the tax collector in seizing the manufactured structure and arranging its sale. If this is done, the tax collector may not hold the sale and shall return the manufactured structure to the person entitled to possession of the structure.

(c) If the amount realized on the sale is in excess of the amount of taxes, interest, penalties and costs due on the manufactured structure, the tax collector first shall pay to the security interest holder, according to the records of the Department of Consumer and Business Services, the amount of their interest to the extent there are sufficient moneys to do so, and shall pay any amount thereafter remaining to the owner of the manufactured structure. [1969 c.605 §17; 1983 c.748 §6; 1985 c.16 §458; 2003 c.655 §71]

311.513 Collection of taxes due upon resolution of appeal. (1) Whenever any property value or claim for exemption or cancellation of a property tax assessment is appealed to the board of property tax appeals or to the tax court and the final resolution of the controversy results in additional taxes due on the property, the additional taxes becoming due shall be payable without interest if paid in the period prior to the 16th of the month next following the correction of the assessment and tax roll.

(2) If the additional taxes described in this section are not paid prior to the date specified in subsection (1) of this section, the additional taxes shall be considered for all purposes of collection and enforcement of payment as having been delinquent on the date the taxes would normally have become delinquent if the additional taxes had been timely extended on the roll, except that any interest shall be computed prospectively from

the 16th of the month following the correction of the roll. [2003 c.274 §2]

311.514 Computation of interest when interest computation date falls on Saturday, Sunday or legal holiday. If any date for which interest is computed by a tax collector falls on a Saturday, or on a Sunday or any legal holiday, the date for which interest is computed shall be the next business day following the Saturday, Sunday or legal holiday. [1993 c.6 §2]

311.515 Partial payments. Partial payments of taxes levied and charged on any property of at least $40 may be made at any time. Interest shall be charged and collected on each such partial payment at the rate provided in ORS 311.505 (2) from the due date of the particular installment of the taxes on which it applies. Each such partial payment shall be credited first to interest so accrued and penalties, if any, and then to principal of the taxes. [Amended by 1953 c.49 §2; 1973 c.142 §2; 1975 c.704 §3; 1979 c.703 §7; 1985 c.613 §28]

311.520 When cities exempt from penalty and interest. (1) If incorporated cities have acquired or acquire title to real property, through foreclosure or settlement of any lien, upon which property taxes have become a lien prior to the acquisition, interest and penalties on the taxes hereby are canceled, but the lien or liens for the taxes shall remain on the property and be satisfied only by full payment of the principal amount thereof. Any lien for taxes attaching to any such real property prior to the execution of the deed to the incorporated city shall be a valid and subsisting lien thereon.

(2) The amendments by subsection (1) of this section do not apply to real property which an incorporated city acquired title to, prior to June 15, 1987, through foreclosure or settlement of any lien, if the incorporated city does not hold title to that property on June 15, 1987.

(3) Nothing in this section shall be construed as affecting the exemption from taxation provided to cities and other municipal corporations by ORS 307.090. [Amended by 1987 c.333 §1]

311.525 Property acquired by state remains subject to tax lien; cancellation of interest and penalties. If the State of Oregon acquires title to real property through foreclosure of mortgage held on the property by the state, or other means in settlement of existing indebtedness in favor of the state, upon which property taxes have become a lien prior to the acquisition, interest and penalties on the taxes hereby are canceled, but the lien or liens for the taxes shall remain on the property and be satisfied only by full payment of the principal amount thereof. Any lien for taxes attaching to any such real property prior to the execution of the deed to the state shall be a valid and subsisting lien thereon. [Amended by 1997 c.170 §49]

311.530 [Amended by 1957 c.324 §9; repealed by 1965 c.344 §29 (311.531 enacted in lieu of 311.530)]

311.531 Tax collector to file annual statement compiled from tax rolls. (1) On or before August 1 of each year the tax collector shall file with the county clerk a statement, on forms supplied by the Department of Revenue, compiled from the tax rolls, showing separately for each tax year for the prior seven years the following information as to transactions during the past fiscal year ending June 30:

(a) The total amounts certified under ORS 311.105 (1) to be collected by the tax collector, broken down among real property, personal property and property assessed pursuant to ORS 308.505 to 308.665.

(b) The total amount of all adjustments made by the tax collector, in dollars, increasing the total amount to be collected, and a like figure for the decreases.

(c) The total amount collected, exclusive of interest and penalties, the total amount remaining uncollected, broken down among real property, personal property and property assessed pursuant to ORS 308.505 to 308.665.

(d) The total amount of interest and penalties collected, and the total amount of discounts or rebates allowed.

(e) Other matters affecting the statement of the tax collector, striking a balance between the total of the tax roll and the total of collections.

(2) The tax collector then shall make a certificate over the official signature of the collector, to be annexed to the statement, that the facts set forth therein are correct. A copy of the statement shall be filed with the county clerk, a copy filed with the county court and a copy filed with the Department of Revenue. A copy of the statement and also of the certificate shall be retained by the tax collector as a public record. [1965 c.344 §30 (enacted in lieu of 311.530); 1999 c.21 §30]

311.540 [Repealed by 1965 c.344 §42]

311.545 Notice of delinquent taxes on real property. (1) As soon as practicable after taxes become delinquent each year, the tax collector shall send to each person, firm or corporation shown on the tax roll as owning real property on which the taxes due and charged have not been paid, a written notice, stating:

(a) A brief description of each parcel of real property.

(b) The total amount of taxes due and delinquent on the real property.

(c) The rate of interest and penalties applicable thereto.

(d) The date on or after which foreclosure proceedings may be commenced as provided by law.

(2) The tax collector shall send the notice, in each instance, by letter mail to the last-known address of the person, firm or corporation shown on the tax roll, or otherwise reported to the tax collector, as owing the delinquent taxes.

(3) This section does not apply where the amount of the taxes delinquent against any particular parcel of real property is less than $1. [Amended by 1953 c.47 §3]

311.547 Notice of delinquent taxes on personal property. After any installment of personal property taxes becomes delinquent, and from time to time thereafter at the discretion of the tax collector, the tax collector shall as soon as practicable send to each person, firm or corporation in whose name personal property is shown on the tax roll and on which the taxes due and charged have not been paid, a written notice stating:

(1) The total amount of taxes due and delinquent;

(2) The date of delinquency;

(3) The rate of interest applicable thereto;

(4) The date interest begins to run; and

(5) The date on or after which property will be distrained or a warrant served as provided by law. [1965 c.344 §31; 1979 c.703 §8; 1981 c.346 §3]

311.550 Return address on envelope containing notice. All envelopes used by the tax collector in mailing statements or notices pertaining to the collection of taxes shall contain thereon a suitable return address. [Amended by 1965 c.344 §32]

311.555 Property owners to furnish addresses. Each person, firm or corporation owning real or personal property within the state, or against whom taxes upon real or personal property are chargeable, shall keep the tax collector of the county where such real or personal property is situate informed of the true and correct address of the person, firm or corporation. No person, firm or corporation who fails to keep the tax collector so informed shall be permitted to plead lack of due notice given by the tax collector in any suit, action or other proceedings commenced or prosecuted under the provisions of ORS 311.545 to 311.565 or in any matter growing out of the administration of ORS 311.545 to 311.565. [Amended by 1981 c.346 §4]

311.560 Noting address on tax roll. The tax collector shall note upon the tax roll, or in any other manner the tax collector deems most feasible, the true and correct address of each person, firm or corporation owning real or personal property in this state, as furnished under ORS 311.555 or as otherwise ascertained by the tax collector. [Amended by 1981 c.346 §5]

311.565 Effect of tax collector's failure to keep address or give notice. The failure of the tax collector to keep true and correct addresses, as provided in ORS 311.560, or to give the notice in the manner and form as provided for by ORS 311.545 to 311.550, shall not invalidate any proceeding to collect taxes, but shall subject the tax collector to any damages sustained by any person injured by the failure of the tax collector to keep the addresses or to give the notice. [Amended by 1953 c.47 §3; 1981 c.346 §6]

311.605 "Person" defined for ORS 311.605 to 311.635. As used in ORS 311.605 to 311.635, "person" includes any individual, firm, copartnership, company, association, corporation, estate, trust, trustee, receiver, syndicate or any group or combination acting as a unit. [Amended by 1995 c.79 §148]

311.610 Warrants to enforce payments of taxes on personal property. (1) Promptly after a period of 30 days has elapsed from the date any tax on personal property has become delinquent (or within such period, at the tax collector's discretion), the tax collector shall issue a warrant to enforce payment thereof.

(2) The warrant shall contain:

(a) The name of the person owning the personal property, or having possession or control thereof.

(b) The description of the property as it appears either in the assessment or tax roll.

(c) The year or years for which the taxes are delinquent.

(d) The principal amount of the delinquent taxes for each year and the interest accrued to the date of issuance of such warrant.

(e) A statement to the effect that immediately after service of the warrant, if the delinquent taxes and interest and costs of service are not paid, the warrant or a duplicate thereof will be recorded with the county clerk for entry in the County Clerk Lien Record of the county.

(3) The tax collector shall prepare a list of all such warrants.

(4) Where the tax collector has begun or completed proceedings under ORS 311.640, the tax collector need not issue a warrant unless the tax collector ascertains that such

proceedings will not result in the collection of the full tax. [Amended by 1965 c.344 §33; 1983 c.696 §10]

311.615 Notice of warrants. (1)(a) Notice of the warrants required by ORS 311.610 and the issue thereof, except as provided in ORS 311.620, shall be given by:

(A) One publication of the notice in a newspaper of general circulation in the county, to be designated by the county court; and

(B) First-class mail to persons named in the notice.

(b) All warrants served by publication may be included in one general notice.

(2) The published notice must contain:

(a) A general statement of the effect of the warrants when filed and recorded.

(b) The names of the respective owners of the several personal properties and descriptions thereof as appearing in the latest tax roll or in the list or return listing or reporting the property pursuant to ORS 308.285 or 308.290.

(c) The year or years for which taxes are delinquent on each property.

(d) The amount of delinquent taxes for each year.

(e) The interest accrued on each such amount to the date of issuance of the warrant.

(3) Notice that complies with subsection (1) of this section is sufficient service on each person named in the notice or any person interested in any property described in the notice. All persons named in the notice or owning or claiming to own, or having or claiming to have any interest in, any property described in the notice are required to take notice of the proceeding and of all steps relating to the proceeding. [Amended by 1971 c.568 §3; 2003 c.576 §198; 2009 c.54 §1]

Note: Section 3, chapter 54, Oregon Laws 2009, provides:

Sec. 3. The amendments to ORS 311.615 and 311.633 by sections 1 and 2 of this 2009 Act apply to tax years beginning on or after July 1, 2009. [2009 c.54 §3]

311.620 Service of warrant. If it is deemed expedient to do so, notice may be given either by service of any warrant in the same manner as summons is served in an action at law, or by service of the warrant by certified mail, return receipt requested. Notice by personal service or by certified mail shall be in lieu of service by publication as to the persons so served. It shall not be necessary to include in the publication of the notice the names of such persons or the descriptions or other matters relating to their respective properties. [Amended by 1965 c.344 §34]

311.625 Filing warrants; entry in lien record; lien on real and personal property. (1) Immediately after service of the warrant, or on completion of service by publication, as the case may be, the tax collector shall have the warrant or a duplicate thereof recorded by the county clerk in the County Clerk Lien Record maintained under ORS 205.130. When service has been made by certified mail, notation of the service shall be made on the warrant recorded by the county clerk and the returned receipt shall be attached to and made a part of the warrant on file in the office of the county tax collector. When service has been made by certified mail and the return receipt is sent electronically or by computer printout, the tax collector shall retain the return receipt record. The clerk shall enter in the County Clerk Lien Record the name of the owner of the personal property on which taxes are delinquent, as shown by the warrant, and the total amount of the delinquent taxes and interest for which the warrant was issued, with added cost charges, and the date of recording.

(2) Thereupon, the amount of the warrant, so recorded, shall become a lien upon the title to any interest in real property owned by the person against whom the warrant is issued, and the taxes on personal property embraced in the warrant, with interest, penalties and costs applicable thereto, shall continue as a lien on all the personal property of the person assessed as otherwise provided by law. The effect shall be the same as though the people of the county had recovered judgment against the person charged for the full amount of the delinquent taxes covered by the warrant, together with interest thereon and costs as provided by law. [Amended by 1965 c.344 §35; 1983 c.696 §11; 1987 c.586 §37; 1989 c.415 §1; 2003 c.190 §1]

311.630 Procedure of ORS 311.605 to 311.635 mandatory. Except as provided in ORS 311.610, the process of issuing, serving, recording and executing warrants covering all delinquent taxes on personal property, as provided in ORS 311.605 to 311.635, shall be mandatory, irrespective of any other process, procedure or remedy provided by law in respect to collection or payment of such taxes. [Amended by 1965 c.344 §36; 1971 c.259 §1; 2003 c.576 §199]

311.633 Fee for service of warrant under ORS 311.605 to 311.635. The fee for service of a warrant pursuant to ORS 311.605 to 311.635 by publication, by mail or by personal service is $20. If service of a warrant pursuant to ORS 311.605 to 311.635 is by personal service, an additional fee equivalent to the amount collected for serving a summons or subpoena to one party under ORS 21.410

(1)(a) may be charged. [1977 c.218 §2; 1983 c.93 §1; 2009 c.54 §2]

Note: See note under 311.615.

311.635 Execution; release of lien. (1) When the warrant has been recorded, the tax collector shall proceed to collect the amount due on the warrant in the manner prescribed by law in respect to an execution issued upon judgment of a court of record.

(2) The tax collector shall release the lien of any warrant so recorded on payment or settlement of the delinquent taxes, interest and costs for recording, indexing and service of the warrant, or on a satisfactory showing that the person against whom the warrant was issued was under no liability for payment of the taxes at the time the warrant was issued and has not become liable for such payment at any subsequent time. [Amended by 1973 c.305 §8; 1987 c.586 §38]

311.640 Levy and sale of personal property or real property machinery and equipment for delinquent property tax; notice. (1) As used in this section, "property" is limited to personal property and machinery and equipment that is characterized by the county assessor as real property machinery and equipment and that is described in ORS 308.115 (3).

(2)(a) Each year, the tax collector may collect taxes on property that are delinquent by seizure and sale of any of the following property:

(A) The property assessed.

(B) The taxable property belonging to or in the possession or control of the person assessed.

(b) No property that is subject to taxation shall be exempt from seizure and sale for the payment of property taxes imposed on personal property or real property machinery and equipment.

(3)(a) Immediately upon taking the property into possession, the tax collector shall:

(A) Notify, by mail, the owner, or person in possession or control of the property at the time of the seizure. If the name and address of the owner or the person in control or possession of the property is unknown to the tax collector, the tax collector shall notify the person to whom the property was assessed at the address noted upon the tax roll. If the property was not assessed, and the owner or person in possession or control of the property at the time of the seizure is unknown to the tax collector, no notice need be given under this subparagraph.

(B) Notify, by mail, all security interest holders and other encumbrancers of record, at their addresses as shown in the records of encumbrance. If no addresses appear in the records of encumbrance, no mailing is required under this subparagraph.

(C) Advertise the seized property for sale by posting written or printed notices of the time and place of sale in three public places in the county not less than 10 days prior to the sale. Failure to give or post the notices required by this paragraph shall not invalidate the sale. However, the owner, encumbrancer or other injured person shall have recourse against the tax collector for damages.

(b) The notice under paragraph (a) of this subsection shall:

(A) Describe the personal property or real property machinery and equipment seized.

(B) State the total amount of property taxes due and delinquent on personal property or real property machinery and equipment, the date of delinquency, the rate of interest and the date the interest begins to run.

(C) State that if the property taxes, interest, penalties and costs are not paid the property will be sold at public vendue, and the date and hour of sale.

(D) State either that the property seized is the property assessed or is property assessed as the same category, or that the property seized is distrained under ORS 311.405 (3)(a)(B).

(c) If payment of the property taxes, interest, penalties and costs is made before the time fixed for sale, the tax collector shall release the seized property.

(d) If any person disputes the statements contained in the notice described in this subsection or the property tax lien priority, the burden of proving the statements contained in the notice or the priority of the property tax lien shall be on the tax collector.

(e) If it is determined that the seized property is exempt or nontaxable or that the taxpayer has no interest in the property, or that the taxes on that property have been paid, the tax collector shall release the property. However, if it is determined that the taxpayer has an interest in the property and that the property is taxable and is not exempt from seizure and sale, the tax collector shall proceed to sell the property at public vendue unless the taxes are paid as provided in paragraph (c) of this subsection.

(4) At the sale the person offering to pay the amount of taxes, interest and penalties due on the property for the least quantity of the property shall be the purchaser of that quantity, and the remainder of the property shall be discharged from the lien. If no bid-

der at the sale offers to pay the amount due against the property at the time set for the sale or at any adjournment of the sale, title to the property shall immediately vest in the county free and clear of all liens and encumbrances. Thereafter, the county governing body may sell the property, or any part of the property, at private sale, without further notice, for a price and on such terms as the governing body considers reasonable. Any sale shall be absolute and without right of redemption.

(5) If the amount realized on the sale is in excess of the amount of taxes, interest, penalties and costs due on the property, the excess shall be repaid to the person charged with the taxes, interest, penalties and costs. However, if the property is subject to a judgment, mortgage, security interest or other lien or encumbrance of record, the excess shall be paid over to the holder or holders of the judgment, mortgage, security interest or other lien or encumbrance as the interest of the holder or holders may appear. [Amended by 1955 c.720 §4; 1973 c.305 §9; 1981 c.346 §7; 2001 c.41 §4; 2001 c.43 §1]

311.645 Charging personal property taxes against real property. (1) Whenever, after delinquency, in the opinion of the tax collector, it becomes necessary to charge taxes on personal property against real property in order that the personal property taxes may be collected, the tax collector shall select for the purpose some particular tract or lots of real property owned by the person, firm, corporation or association owing the personal property taxes and shall note on the tax roll opposite the tract or lots selected the taxes on the personal property. Thereafter, the personal property taxes shall be a lien on the real property selected and shall be enforced in the same manner as other tax liens on real property. The notation of the lien, with the date thereof, shall be entered on the tax roll. Unless the notation and date are entered on the roll, the lien shall be of no force or effect.

(2) Subsection (1) of this section shall not be applicable to real property as to which all of the following conditions exist:

(a) The property is owned as tenants by the entirety by a member of a partnership and the spouse of the member who is not a member of the partnership.

(b) The property is used as the personal residence of the spouse.

(c) The partner contributed no part of the consideration in the transaction which vested an ownership interest in the spouse.

(d) The delinquent personal property taxes for which a lien is sought under subsection (1) of this section are the taxes of the partnership and not of the spouse.

(3) Any lien upon real property described in subsection (2) of this section is void and of no effect.

(4) Any lien upon property described in subsection (2) of this section existing on August 22, 1969, or which may hereinafter be imposed, shall be extinguished, set aside and held for naught upon the verified petition of the spouse to the county commissioners and proof by the spouse of the requirements described in subsection (2) of this section. Upon approval of the petition, the county commissioners shall order the necessary correction to be made in the tax rolls. [Amended by 1969 c.701 §1; 2001 c.753 §1]

311.650 Collection of taxes on real property of the United States held under contract of sale, lease or other interest less than a fee. In addition to all other remedies available for the collection of taxes, all taxes levied in any year against real property held under contract of sale, lease or other interest less than fee, as provided in ORS 307.050 and 307.060, shall be a debt due and owing from the person, corporation or association holding the property as of the date of delinquency for taxes on real property for the tax year. If the tax is not paid within one year from such date, the county within which the real property is located may institute for itself, the State of Oregon and all other municipal corporations sharing in such taxes, an action for the collection of the taxes, together with interest, costs and other lawful charges thereon. At the time of commencement of the action the county shall have the benefit of all laws of this state pertaining to provisional remedies against the properties either real or personal, of the person, corporation or association.

311.655 Companies assessed by Department of Revenue; tax as debt; lien for taxes; action for collection; warrant for payment. (1) Except as provided in ORS 308.640 and 308.820, all taxes assessed and levied against the properties, both real and personal, of companies specified in ORS 308.515 shall be a debt due and owing from such companies and shall constitute a lien as of July 1 of the year of assessment on all the real and personal property of such companies within this state. Such taxes shall become delinquent whenever any specified installment is not paid on or before its due date as provided in ORS 311.505.

(2) Whenever taxes so assessed and levied against any of such companies are not paid before the date of delinquency thereof, the county in which the taxes are due and owing immediately shall institute for itself, the State of Oregon, and all other municipal

corporations sharing in the taxes, an action to collect the taxes, together with interest, penalties, costs and other lawful charges thereon. At the time of commencement of the action the county shall have the benefit of all laws of this state pertaining to provisional remedies against the properties, either real or personal, of such company or companies, without the necessity of filing either an affidavit or undertaking, as otherwise provided by law. The county clerk of the county where the action is commenced shall immediately issue writs of attachment and garnishment on application by the district attorney of the county. The writs shall be directed to the sheriffs of as many counties as the district attorney deems necessary. The Department of Revenue immediately shall be notified of the tax delinquency of the company and of the commencement of the action.

(3) If the defendant in an action commenced pursuant to subsection (2) of this section operates or has properties in more than one county in the state, the Department of Revenue shall be made a party plaintiff in the action. If taxes so assessed and levied against the defendant by any other county of the state are also delinquent, such county or counties shall also be made parties plaintiff in the action.

(4) At any time after delinquency the tax collector of any county in which personal property taxes are due and owing may in addition to the county's right to commence an action as provided in subsection (2) of this section, issue a warrant to enforce payment thereof in the manner provided for in ORS 311.610 and 311.620 and cause the warrant to be filed as provided in ORS 311.625. [Amended by 1957 c.628 §10; 1971 c.378 §1; 1979 c.703 §9; 1997 c.154 §48]

311.656 Notice to tax collector on foreclosure of security interest or lien on taxable personal property or real property machinery and equipment; effect if taxes due. (1) No security interest in, or other lien upon, taxable personal property or real property machinery and equipment shall be foreclosed by the sale of the property unless the secured party, an agent or the attorney for the secured party, at least five days before the date of the sale, has mailed or delivered to the tax collector of the county in which the sale is to be held, a copy of the notice of the foreclosure sale. The notice shall be mailed to the tax collector, return receipt requested, and shall contain a list of the personal property or real property machinery and equipment to be sold, together with the name and address of the owners of the property. Failure to mail or deliver the notice shall not invalidate the sale, but the tax collector shall have recourse against the secured party on behalf of the taxing units for any damages sustained on account of failure to mail or deliver the notice.

(2) Upon receipt of the notice under subsection (1) of this section, the tax collector shall determine if the owner of the property has paid the property taxes and if the tax collector finds that the taxes are due and owing, the tax collector, unless the taxes are paid upon demand, shall distrain the property under ORS 311.640, or so much of the property as may be necessary to pay the taxes, interest, penalties and costs. No transfer of personal property or real property machinery and equipment to the secured party or to the holder of a lien on the property in any way shall affect the lien for property taxes assessed against the property. [1981 c.346 §12; 2001 c.41 §5]

COLLECTION OF ANY STATE PROPERTY TAX APPORTIONED TO COUNTIES

311.657 Transmission of transcript of apportionment to county clerks; notice of levy. Upon the filing of the certificate as to the amount of revenue to be raised for state purposes and apportionment of a levy, as required by ORS 291.445, the Oregon Department of Administrative Services shall immediately transmit an accurate transcript of the apportionment, if any, to the county clerks and county assessors of the several counties. The transcript shall be considered by the county assessors as a notice of levy. [Formerly 309.530; 1991 c.220 §2]

311.658 Collection, payment of state levy; informing State Treasurer of state levy for bonded indebtedness and interest; rules. (1) Each of the several counties shall collect and pay over as required by law the amount apportioned as provided under ORS 311.657 and 311.375 and this section.

(2) The state shall be considered a taxing district for purposes of ORS 311.105. However, the state shall not be included in any distribution of moneys (in lieu of tax or otherwise) that are required to be apportioned among and offset against the levy of one or more particular districts, but only in the distribution of those tax moneys that are used to reduce the amount of taxes extended on the roll and collected by the tax collector.

(3) Notwithstanding ORS 311.385, property tax moneys collected pursuant to a state levy shall not be deposited to the unsegregated tax collections account under ORS 311.385 but shall be deposited in the county treasury and distributed as provided under ORS 311.375.

(4) The state shall not be included in the percentage distribution schedule under ORS 311.390.

(5) It shall not be necessary to change the values of the particular descriptions of property assessed in each of the several counties on the assessment rolls on account of a state levy of ad valorem property tax.

(6) No deduction or abatement shall be made from the apportionment of any county because of the delinquency of any taxpayer, or error or omission in the assessment roll or for any other reason.

(7) In exercising its supervisory powers under ORS 306.115 (1), the Department of Revenue may adopt rules governing the certification, apportionment, transmission of transcript, extension, offset, collection and distribution of the state tax levy. The Department of Revenue and the Oregon Department of Administrative Services shall develop procedures for informing the State Treasurer of the condition of any general obligation bond fund program and any state levy anticipated or made under this section. [Formerly 309.550; 1991 c.220 §3]

311.660 State levy collection limited to levies for payment of bonded indebtedness and interest. The State of Oregon shall not for any fiscal year collect a state property tax, either directly or by apportionment among the several counties, in any greater amount than it may be necessary to collect by means of such a property tax for that year to pay bonded indebtedness or the interest thereon. [Amended by 1957 s.s. c.6 §1; 2005 c.94 §64]

311.662 Validity of state levy for payment of bonded indebtedness and interest; effect of certification, levy, apportionment or collection proceeding or procedure. The validity of any certification, levy, apportionment or collection made pursuant to ORS 291.342, 291.445, 311.375, 311.657 or 311.658 shall not be dependent upon nor be affected by the validity or regularity of any proceeding or procedural activity relating thereto. Any certification required by ORS 291.445 and any transcript pursuant to ORS 311.657 shall contain recitals that they are issued pursuant to ORS 291.342, 291.445, 311.375, 311.657 and 311.658 and such recitals shall be conclusive evidence of their validity and of the regularity of their issuance. [1991 c.220 §5]

DEFERRED COLLECTION OF HOMESTEAD PROPERTY TAXES

311.666 Definitions for ORS 311.666 to 311.701. As used in ORS 311.666 to 311.701:

(1) "Department" means the Department of Revenue.

(2) "Homestead" means the owner occupied principal dwelling, either real or personal property, owned by the taxpayer and the tax lot upon which it is located. If the homestead is located in a multiunit building, the homestead is the portion of the building actually used as the principal dwelling and its percentage of the value of the common elements and of the value of the tax lot upon which it is built. The percentage is the value of the unit consisting of the homestead compared to the total value of the building exclusive of the common elements, if any.

(3) "Person with a disability" means a person who has been determined to be eligible to receive or who is receiving federal Social Security benefits due to disability or blindness, including a person who is receiving Social Security survivor benefits in lieu of Social Security benefits due to disability or blindness.

(4) "Taxpayer" means an individual who has filed a claim for deferral under ORS 311.668 or individuals who have jointly filed a claim for deferral under ORS 311.668.

(5) "Tax-deferred property" means the property upon which taxes are deferred under ORS 311.666 to 311.701.

(6) "Taxes" or "property taxes" means ad valorem taxes, assessments, fees and charges entered on the assessment and tax roll. [1963 c.569 §7; 1977 c.160 §1; 1983 c.550 §1; 1999 c.1097 §1; 2001 c.184 §1; 2007 c.70 §77]

311.668 Deferral of tax on homestead; joint election; age and income requirements; filing claim; appeal for denial or disqualification. (1)(a) Subject to ORS 311.670, an individual, or two or more individuals jointly, may elect to defer the property taxes on their homestead by filing a claim for deferral with the county assessor after January 1 and on or before April 15 of the first year in which deferral is claimed if:

(A) The individual, or, in the case of two or more individuals filing a claim jointly, each individual, is 62 years of age or older on April 15 of the year in which the claim is filed; or

(B) The individual is a person with a disability on April 15 of the year in which the claim is filed. In the case of individuals filing a claim jointly, only one individual need be a person with a disability in order to make the election.

(b) In order to make the election described in paragraph (a) of this subsection, the individual must have, or in the case of two or more individuals filing a claim jointly, all of the individuals together must have household income, as defined in ORS 310.630, for the calendar year immediately preceding the calendar year in which the claim is filed of less than $32,000.

(c) The county assessor shall forward each claim filed under this subsection to the

Department of Revenue which shall determine if the property is eligible for deferral.

(2) When the taxpayer elects to defer property taxes for any year by filing a claim for deferral under subsection (1) of this section, it shall have the effect of:

(a) Deferring the payment of the property taxes levied on the homestead for the fiscal year beginning on July 1 of such year.

(b) Continuing the deferral of the payment by the taxpayer of any property taxes deferred under ORS 311.666 to 311.701 for previous years which have not become delinquent under ORS 311.686.

(c) Continuing the deferral of the payment by the taxpayer of any future property taxes for as long as the provisions of ORS 311.670 are met.

(3) If a guardian or conservator has been appointed for an individual otherwise qualified to obtain deferral of taxes under ORS 311.666 to 311.701, the guardian or conservator may act for such individual in complying with the provisions of ORS 311.666 to 311.701.

(4) If a trustee of an inter vivos trust which was created by and is revocable by an individual, who is both the trustor and a beneficiary of the trust and who is otherwise qualified to obtain a deferral of taxes under ORS 311.666 to 311.701, owns the fee simple estate under a recorded instrument of sale, the trustee may act for the individual in complying with the provisions of ORS 311.666 to 311.701.

(5) Nothing in this section shall be construed to require a spouse of an individual to file a claim jointly with the individual even though the spouse may be eligible to claim the deferral jointly with the individual.

(6) Any person aggrieved by the denial of a claim for deferral of homestead property taxes or disqualification from deferral of homestead property taxes may appeal in the manner provided by ORS 305.404 to 305.560.

(7)(a) For each tax year beginning on or after July 1, 2002, the Department of Revenue shall recompute the maximum household income that may be incurred under an allowable claim for deferral under subsection (1)(b) of this section. The computation shall be as follows:

(A) Divide the average U.S. City Average Consumer Price Index for the first six months of the current calendar year by the average U.S. City Average Consumer Price Index for the first six months of 2001.

(B) Recompute the maximum household income by multiplying $32,000 by the appropriate indexing factor determined as provided in subparagraph (A) of this paragraph.

(b) As used in this subsection, "U.S. City Average Consumer Price Index" means the U.S. City Average Consumer Price Index for All Urban Consumers (All Items) as published by the Bureau of Labor Statistics of the United States Department of Labor.

(c) If any change in the maximum household income determined under paragraph (a) of this subsection is not a multiple of $500, the increase shall be rounded to the nearest multiple of $500. [1963 c.569 §§8, 22; 1975 c.372 §1; 1977 c.160 §2; 1981 c.853 §1; 1983 c.550 §2; 1987 c.512 §5; 1989 c.948 §14; 1995 c.79 §149; 1995 c.650 §78; 1995 c.803 §1; 1999 c.1097 §2; 2001 c.753 §25; 2007 c.70 §78]

311.670 Property entitled to deferral. In order to qualify for tax deferral under ORS 311.666 to 311.701, the property must meet all of the following requirements when the claim is filed and thereafter so long as the payment of taxes by the taxpayer is deferred:

(1) The property must be the homestead of the individual or individuals who file the claim for deferral, except for an individual required to be absent from the homestead by reason of health.

(2) The person claiming the deferral must, by himself or herself or together with his or her spouse, own the fee simple estate or be purchasing the fee simple estate under a recorded instrument of sale, or two or more persons must together own or be purchasing the fee simple estate with rights of survivorship under a recorded instrument of sale if all owners live in the homestead and if all owners apply for the deferral jointly.

(3) There must be no prohibition to the deferral of property taxes contained in any provision of federal law, rule or regulation applicable to a mortgage, trust deed, land sale contract or conditional sale contract for which the homestead is security. [1963 c.569 §9; 1965 c.344 §37; 1977 c.160 §3; 1983 c.550 §3; 1985 c.140 §3]

311.672 Claim forms; contents. (1) A taxpayer's claim for deferral under ORS 311.668 shall be in writing on a form supplied by the Department of Revenue and shall:

(a) Describe the homestead.

(b) Recite facts establishing the eligibility for the deferral under the provisions of ORS 311.666 to 311.701, including facts that establish that the household income as defined in ORS 310.630 of the individual, or in the case of two or more individuals claiming the deferral jointly, of all of the individuals together was, for the calendar year immediately preceding the calendar year in which the claim is filed, less than or equal to the maximum household income that may be incurred under an allowable claim for deferral, as provided in ORS 311.668.

(c) Have attached any documentary proof required by the department to show that the requirements of ORS 311.666 to 311.701 have been met.

(2) There shall be annexed to the claim a statement verified by a written declaration of the applicant making the claim to the effect that the statements contained in the claim are true. [1963 c.569 §10; 1977 c.160 §4; 1983 c.550 §4; 1989 c.948 §15; 1993 c.19 §12; 1995 c.803 §2; 1999 c.1097 §3]

311.673 State liens against tax-deferred property. (1) The Department of Revenue shall have a lien against tax-deferred property for payment of deferred taxes plus interest on the deferred taxes and any fees paid by the department in connection with the filing, recording, release or satisfaction of the lien. The liens for deferred taxes shall attach to the property on July 1 of the year in which the taxes were assessed. The deferred property tax liens shall have the same priority as other real property tax liens except that the lien of mortgages, trust deeds or security interests that is filed, recorded or noted on any certificate of title or in any record maintained by the Department of Consumer and Business Services pursuant to ORS 446.566 to 446.646 prior in time to the attachment of the lien for deferred taxes shall be prior to the liens for deferred taxes.

(2) The deferred property tax lien may be foreclosed by the department as if it were a purchase money mortgage under ORS chapter 88. The court may award reasonable attorney fees to the department if the department prevails in a foreclosure action under this section. The court may award reasonable attorney fees to a defendant who prevails in a foreclosure action under this section if the court determines that the department had no objectively reasonable basis for asserting the claim or no reasonable basis for appealing an adverse decision of the trial court.

(3) Receipts from foreclosure proceedings shall be credited in the same manner as other repayments of deferred property taxes under ORS 311.701.

(4) This section applies only to deferred property tax liens arising prior to October 3, 1989. [1977 c.160 §15; 1981 c.897 §47; 1983 c.550 §13; 1985 c.140 §1; 1989 c.948 §1; 1995 c.526 §1; 1995 c.696 §20; 2007 c.363 §1]

311.674 Listing of tax-deferred property; interest accrual. (1) If eligibility for deferral of homestead property is established as provided in ORS 311.666 to 311.701, the Department of Revenue shall notify the county assessor and the county assessor shall show on the current ad valorem assessment and tax roll which property is tax-deferred property by an entry clearly designating such property as tax-deferred property.

(2) When requested by the department, the tax collector shall send to the department as soon as the taxes are extended upon the roll the tax statement for each tax-deferred property.

(3) Interest shall accrue on the actual amount of taxes advanced to the county for the tax-deferred property at the rate of six percent per annum.

(4) For property taxes deferred after October 3, 1979, the state liens provided by ORS 311.673 and 311.679 and recorded under ORS 311.675 shall be for the actual amount of taxes advanced to the counties and not for the gross amount of taxes for which the property would be liable as shown on the tax statement for each tax-deferred property. For taxes deferred prior to October 3, 1979, the lien under ORS 311.673 is for the gross amount of taxes extended upon the tax roll against each tax-deferred property and interest shall continue to accrue on the gross amount of taxes rather than on the actual amount of taxes paid to the county. [1963 c.569 §11; 1971 c.572 §1; 1977 c.160 §5; 1979 c.678 §1; 1989 c.948 §4]

311.675 Recording liens; recording constitutes notice of state lien. (1) In each county in which there is tax-deferred property, the Department of Revenue shall cause to be recorded in the mortgage records of the county a list of tax-deferred properties that lie in the county. The list shall contain a description of the property as listed on the assessment roll together with the name of the owner as listed on the assessment roll.

(2)(a) The recording of tax-deferred properties under subsection (1) of this section is notice that the Department of Revenue claims a lien against those properties in the amount of the deferred taxes plus interest on the deferred taxes together with any fees paid by the department in connection with the filing, recording, release or satisfaction of the lien.

(b) If the recording of tax-deferred properties under subsection (1) of this section occurred prior to January 1, 1990, the recording is notice that the department claims a lien against those properties in the amount of the deferred taxes plus interest on the deferred taxes together with any fees paid by the department in connection with the filing, recording, release or satisfaction of the lien, whether or not the amount of taxes, interest or fees is listed.

(3)(a) When an ownership document is issued under ORS 446.566 to 446.646, or issuance of the document is pending, for a tax-

deferred manufactured structure assessed as personal property under ORS 308.875, the Department of Revenue shall file with the Department of Consumer and Business Services an application for notation of the deferred property tax lien as a security interest on behalf of the State of Oregon. The Department of Consumer and Business Services shall note the lien as a security interest in the same manner as other security interests in manufactured structures. A lien noted as a security interest in records maintained by the Department of Consumer and Business Services pursuant to ORS 446.566 to 446.646 shall have the same legal effect as other security interests in manufactured structures.

(b) For any other tax-deferred homestead assessed as personal property, the Department of Revenue may file notice of the deferred property tax lien as a security interest on behalf of the State of Oregon with the office of the Secretary of State or with any other designated filing office pursuant to ORS chapter 79.

(4)(a) Notwithstanding the provisions of ORS 182.040 to 182.060 and 205.320 relating to the time and manner of payment of fees to the county clerk, the department shall not be required to pay any filing, indexing or recording fees to the county in connection with the filing, recording, release or satisfaction of liens against tax-deferred properties of that county in advance or at the time entry is made. The manner of payment of the fees shall be as provided in ORS 205.395 for the payment of fees for filing, recording and making entry of warrants or orders in the County Clerk Lien Record.

(b) The Department of Revenue shall pay filing fees for any application for notation of the deferred property tax lien as a security interest in tax-deferred properties to the Department of Consumer and Business Services as provided in ORS 446.646 or in rules adopted under ORS 446.646.

(c) If the Department of Revenue files notice of the deferred property tax lien as a security interest on behalf of the State of Oregon with the office of the Secretary of State or with any other designated filing office under subsection (3) of this section, the department shall pay filing fees to the Secretary of State or to the other filing office pursuant to ORS chapter 79. [1977 c.160 §16; 1985 c.140 §2; 1989 c.948 §5; 1999 c.654 §27; 2007 c.363 §2]

311.676 County tax collector to receive amount equivalent to deferred taxes from state. (1) Upon determining the amount of deferred taxes on tax-deferred property for the tax year, the Department of Revenue shall pay to the respective county tax collectors an amount equivalent to the deferred taxes less three percent thereof. Payment shall be made from the revolving account established under ORS 311.701.

(2) The department shall maintain accounts for each deferred property and shall accrue interest only on the actual amount of taxes advanced to the county.

(3)(a) If only a portion of taxes are deferred under ORS 311.689, the department shall pay the portion that is eligible for deferral to the tax collector and shall provide a separate notice to the county assessor stating the amount of property taxes that the department is paying.

(b) The notice stating the amount of property taxes paid by the department and any other county records indicating those amounts are not subject to the prohibitions against disclosure set forth in ORS 314.835. [1963 c.569 §24; 1967 c.335 §35; 1967 c.494 §1; 1971 c.572 §2; 1977 c.160 §6; 1979 c.678 §2; 1980 c.19 §8; 1983 c.550 §14; 1999 c.1097 §4; 2001 c.184 §2; 2001 c.753 §27]

311.677 [1967 c.335 §34; repealed by 1977 c.160 §19]

311.678 Notice to taxpayer regarding duty to claim deferral annually. (1) On or before December 15 of each year, the Department of Revenue shall send a notice to each taxpayer who has claimed deferral of property taxes for the current tax year. The notice shall:

(a) Inform the taxpayer that the property taxes have or have not been deferred in the current year.

(b) Show the total amount of deferred taxes remaining unpaid since initial application for deferral and the interest accruing therein to November 15 of the current year.

(c) Inform the taxpayer that voluntary payment of the deferred taxes may be made at any time to the Department of Revenue.

(d) Contain any other information that the department considers necessary to facilitate administration of the homestead deferral program, including but not limited to the right of the taxpayer to submit any elderly rental assistance amount received under ORS 310.630 to 310.706 to reduce the total amount of the deferred taxes and interest.

(2) The department shall give the notice required under subsection (1) of this section by an unsealed postcard or other form of mail sent to the residence address of the taxpayer as shown in the claim for deferral or as otherwise determined by the department to be the correct address of the taxpayer. [1963 c.569 §12; 1971 c.572 §3; 1977 c.160 §7; 1983 c.550 §10; 1989 c.948 §13; 1997 c.170 §25]

311.679 Estimate of deferred taxes; lien; foreclosure; voluntary payment. (1) At the time that the taxpayer elects to defer property taxes under ORS 311.666 to 311.701 or if the taxpayer has elected to defer property taxes prior to July 1, 1990, the Depart-

ment of Revenue shall estimate the amount of property taxes that will be deferred for tax years beginning on or after July 1, 1990, interest on the deferred taxes and any fees paid by the department in connection with lien filing, recording, release or satisfaction. Thereafter, the department shall have a lien in the amount of the estimate.

(2) The lien created under subsection (1) of this section shall attach to the property to which the election to defer relates on July 1 of the tax year of initial deferral or on July 1, 1990, whichever is applicable.

(3) The lien created under subsection (1) of this section in the amount of the estimate shall have the same priority as other real property tax liens except that the lien of mortgages, trust deeds or security interests that is filed, recorded or noted on a certificate of title or in any record maintained by the Department of Consumer and Business Services pursuant to ORS 446.566 to 446.646 prior in time to the attachment of the lien for deferred taxes shall be prior to the liens for deferred taxes.

(4) If during the period of tax deferment, the amount of taxes, interest and fees exceeds the estimate, the Department of Revenue shall have a lien for the amount of the excess. The liens for the excess shall attach to the property on July 1 of the tax year in which the excess occurs. The lien for the excess shall have the same priority as other real property tax liens, except that the lien of mortgages, trust deeds or security interests that is filed, recorded or noted on any certificate of title or in any record maintained by the Department of Consumer and Business Services pursuant to ORS 446.566 to 446.646 prior in time to the date that the Department of Revenue records an amendment to its estimate to reflect its lien for the excess shall be prior to the lien for the excess.

(5)(a) The notice of lien for deferred taxes recorded as provided in ORS 311.675 (1) and (2) arising on or after October 3, 1989, shall list the amount of the estimate of deferred taxes, interest and fees made by the department under subsection (1) of this section. Any amendment to the notice of lien to reflect a lien for excess, as described under subsection (4) of this section, shall list the amount of the excess that the department claims as lien.

(b) If notice of lien with respect to any homestead has been filed or recorded as provided under ORS 311.675 (1) to (3) prior to January 1, 1990, and the lien has not been released or satisfied, the department shall cause a further notice of lien to be recorded in the mortgage records of the county. The further notice of lien shall list the amount of the estimate of deferred taxes and interest made by the department under subsection (1) of this section and any amendment to the notice to reflect a lien for excess, described under subsection (4) of this section, and shall list the amount of the excess that the department claims as lien.

(6) A lien created under this section may be foreclosed by the department as if it were a purchase money mortgage under ORS chapter 88. The court may award reasonable attorney fees to the prevailing party in a foreclosure action under this section.

(7) Receipts from foreclosure proceedings shall be credited in the same manner as other repayments of deferred property taxes under ORS 311.701.

(8) By means of voluntary payment made as provided under ORS 311.690, the taxpayer may limit the amount of the lien for deferred taxes created under this section. If the taxpayer desires that the limit be reflected in the records of the county, the taxpayer must request, subject to any rules adopted by the department, that the department cause a partial satisfaction of the lien to be recorded in the county. Upon receipt of such a request, the department shall cause a partial satisfaction, in the amount of the voluntary payment, to be recorded. Nothing in this subsection shall affect the priority of the liens of the department, as originally created under subsections (1) and (4) of this section.

(9) Nothing in this section shall affect any lien arising under ORS 311.666 to 311.701 for taxes assessed before January 1, 1990. However, except as provided under this section, no lien for taxes shall arise under ORS 311.666 to 311.701 for taxes assessed after December 31, 1989.

(10)(a) Notwithstanding any other provision of this section, a lien arising under this section as the result of a deferral of property taxes on the homestead of a person with a disability who is younger than 62 years of age during the tax year may not exceed 90 percent of the real market value of the homestead.

(b) Property may continue to qualify for property tax deferral under ORS 311.666 to 311.701 even though the amount of property taxes being paid by the department may not increase the amount of the lien arising under this section.

(11) This section first applies to liens for deferred taxes arising on or after October 3, 1989. [1989 c.948 §3; 1995 c.526 §2; 1995 c.618 §64; 1999 c.1097 §5; 2007 c.70 §79; 2007 c.363 §3]

311.680 [1963 c.569 §13; 1971 c.572 §4; repealed by 1977 c.160 §19]

311.681 Request to retroactively claim deferral. (1) Notwithstanding ORS 311.668, if an individual (or two or more individuals jointly) who has elected to defer homestead property taxes in a prior tax year has not filed a timely claim for deferral for one or more tax years succeeding the year in which property taxes were initially deferred under ORS 311.666 to 311.701, then the individual may request that the Director of the Department of Revenue grant a retroactive deferral of property taxes on the property. A spouse who is eligible to make the election under ORS 311.688 may also request a grant of retroactive deferral under this section.

(2) The director may, in the discretion of the director, grant or deny the retroactive deferral of property taxes. No appeal from a decision of the director under this section may be made.

(3) The director shall not grant a retroactive deferral of property taxes if, in any intervening year between the year in which deferral was last granted to the property and the last year for which retroactive deferral is being requested, the property would not have been eligible for deferral had the claim for deferral been timely filed.

(4) If the director grants a retroactive deferral of property taxes under this section, the department shall pay to the county tax collector an amount equal to the deferred taxes for each year, less three percent. Interest shall accrue on the actual amount of taxes advanced to the county.

(5) The department shall have a lien against the tax-deferred property for amounts deferred under this section as provided in ORS 311.673. The lien shall attach as of July 1 of the tax year for which the payment relates. In the case of a payment representing more than one year's property taxes, the department shall have a lien in the amount of that portion of a payment related to a particular tax year, which shall attach as of July 1 of that tax year. [1997 c.169 §2]

311.682 [1963 c.569 §14; repealed by 1979 c.689 §27]

311.683 Continued deferral after Department of Transportation condemnation; application; requirements; rules. (1) If tax-deferred homestead property is acquired by the Department of Transportation through condemnation, the taxpayer may elect to continue to defer the payment of taxes and interest by:

(a) Filing a written notice of intent to continue deferral with the Department of Revenue on or before 30 days after the date the Department of Transportation has acquired title to the condemned homestead; and

(b) Filing a claim for deferral with respect to a new homestead within one year after the Department of Transportation has acquired title to the condemned homestead.

(2) Upon receipt of a notice of intent to continue deferral of taxes attributable to a condemned homestead, the Department of Revenue shall prepare an estimate of the amount of taxes, interest and fees that have been and, if approved under subsections (3) and (5) of this section, will continue to be deferred upon the release and satisfaction of the lien on the condemned homestead and the recordation of the lien on the new homestead.

(3) After preparing the estimate described in subsection (2) of this section, the Department of Revenue shall grant a temporary deferral of taxes with respect to the condemned homestead not to exceed the length of time described in subsection (1)(b) of this section if:

(a) The Department of Transportation has acquired title to the condemned homestead; and

(b) The taxpayer has a legally enforceable escrow agreement with a title company that:

(A) Provides for an interest-bearing escrow account in which moneys are deposited that are sufficient to pay in full the amount of deferred taxes, interest and fees on the condemned homestead property as estimated under subsection (2) of this section;

(B) Establishes the Department of Revenue as the beneficiary of the escrow agreement;

(C) Provides that the moneys of the escrow account are to be released to the taxpayer upon the Department of Revenue's approval of continued deferral under subsection (5) of this section and the recordation of the lien described in subsection (6) of this section with the county clerk; and

(D) Provides that the full amount of the estimated deferred taxes, interest and fees related to the condemned homestead are to be released to the Department of Revenue if the continued deferral described in subsection (5) of this section is not granted by the Department of Revenue.

(4) The Department of Revenue shall provide a release or satisfaction of the lien on the condemned homestead when an escrow account has been established as provided under subsection (3) of this section.

(5) Upon receipt of a claim for the deferral of taxes for a new homestead that also seeks to continue the deferral of taxes attributable to a condemned homestead for which a temporary deferral has been granted under subsection (3) of this section, the Department of Revenue shall approve the continued deferral of the taxes temporarily

deferred under subsection (3) of this section if:

(a) The taxpayer's equity interest in the new homestead equals or exceeds in value the total of the amount of deferred taxes, interest and fees on the condemned homestead as estimated under subsection (2) of this section, plus $10,000;

(b) The taxpayer is entitled to tax deferral under ORS 311.666 to 311.701 with respect to the new homestead; and

(c) The taxpayer consents to the continued deferral of taxes and to the lien on the new homestead property as provided in subsection (6) of this section.

(6) Upon granting the continued deferral under subsection (5) of this section, the Department of Revenue shall have a lien on the new homestead in the amount of the estimate prepared under subsection (2) of this section plus interest and any fees incurred in connection with the recording of the lien. The lien described in this subsection shall be in addition to any other lien under ORS 311.673 that the Department of Revenue shall have with respect to the new homestead. The provisions of ORS 311.679 relating to liens shall apply to the lien described in this subsection. At the time the lien described in this subsection is recorded, the escrow account described in subsection (3) of this section shall be closed and the moneys in the account released to the taxpayer.

(7) The Department of Revenue may prescribe such rules as are needed to implement the provisions of this section. [1997 c.169 §4; 1999 c.21 §31]

311.684 Events requiring payment of deferred tax and interest. Subject to ORS 311.688, all deferred property taxes, including accrued interest, become payable as provided in ORS 311.686 when:

(1) The taxpayer who claimed deferment of collection of property taxes on the homestead dies or, if there was more than one claimant, the survivor of the taxpayers who originally claimed deferment of collection of property taxes under ORS 311.668 dies.

(2) Except as provided in ORS 311.683, the property with respect to which deferment of collection of taxes is claimed is sold, or a contract to sell is entered into, or some person other than the taxpayer who claimed the deferment becomes the owner of the property.

(3) The tax-deferred property is no longer the homestead of the taxpayer who claimed the deferral, except in the case of a taxpayer required to be absent from such tax-deferred property by reason of health.

(4) The tax-deferred property, a manufactured structure or floating home, is moved out of the state. [1963 c.569 §15; 1971 c.572 §5; 1977 c.160 §9; 1983 c.550 §5; 1997 c.169 §5]

311.686 Time for payments; delinquencies. Whenever any of the circumstances listed in ORS 311.684 occurs:

(1) The deferral of taxes for the assessment year in which the circumstance occurs shall continue for such assessment year; and

(2) The amounts of deferred property taxes, including accrued interest, for all years shall be due and payable to the Department of Revenue August 15 of the year following the calendar year in which the circumstance occurs, except as provided in subsection (3) of this section, ORS 311.688 and 311.695.

(3) Notwithstanding the provisions of subsection (2) of this section and ORS 311.695, when the circumstances occur listed in ORS 311.684 (4), the amount of deferred taxes shall be due and payable five days before the date of removal of the property from the state.

(4) If the amounts falling due as provided in this section are not paid on the indicated due date, or as extended under ORS 311.695 such amounts shall be deemed delinquent as of that date and the property shall be subject to foreclosure as provided in ORS 311.673 or 311.679. [1963 c.569 §16; 1971 c.572 §6; 1977 c.160 §10; 1983 c.550 §8; 1989 c.948 §6]

311.687 Loss of eligibility for deferral when disability ceases; prior deferred taxes may continue deferral. (1) Property taxes imposed on the homestead of an individual are ineligible for deferral under ORS 311.666 to 311.701 if the basis for deferral was the disability of the individual and the individual no longer has a disability and:

(a) Is younger than 62 years of age; or

(b) Is 62 years of age or older and filed the claim for deferral jointly with an individual who is younger than 62 years of age and who is not a person with a disability.

(2) The property taxes that are ineligible for deferral under subsection (1) of this section are those property taxes attributable to the homestead of the individual for tax years beginning subsequent to the loss of disability, until the individual again qualifies for deferral under ORS 311.666 to 311.701.

(3) Nothing in this section shall affect the continued deferral of taxes that have been deferred for tax years beginning prior to the loss of disability. [1999 c.1097 §6a; 2007 c.70 §80]

311.688 Election by spouse to continue tax deferral. (1) Notwithstanding ORS 311.684, when one of the circumstances listed

in ORS 311.684 (1) to (3) occurs, the spouse who was not eligible to or did not file a claim jointly with the taxpayer may continue the property in its deferred tax status by filing a claim within the time and in the manner provided under ORS 311.668 if:

(a) The spouse of the taxpayer is or will be 60 years of age or older not later than six months from the day the circumstance listed in ORS 311.684 (1) to (3) occurs; and

(b) The property is the homestead of the spouse of the taxpayer and meets the requirements of ORS 311.670 (2).

(2) A spouse who does not meet the age requirements of subsection (1)(a) of this section but is otherwise qualified to continue the property in its tax-deferred status under subsection (1) of this section may continue the deferral of property taxes deferred for previous years by filing a claim within the time and in the manner provided under ORS 311.668. If a spouse eligible for and continuing the deferral of taxes previously deferred under this subsection becomes 62 years of age prior to April 15 of any year, the spouse may elect to continue the deferral of previous years' taxes deferred under this subsection and may elect to defer the current assessment year's taxes on the homestead by filing a claim within the time and in the manner provided under ORS 311.668. Thereafter, payment of the taxes levied on the homestead and deferred under this subsection and payment of taxes levied on the homestead in the current assessment year and in future years may be deferred in the manner provided in and subject to ORS 311.666 to 311.701.

(3) Notwithstanding that ORS 311.668 requires that a claim be filed no later than April 15, if the Department of Revenue determines that good and sufficient cause exists for the failure of a spouse to file a claim under this section on or before April 15, the claim may be filed within 180 days after notice of taxes due and payable under ORS 311.686 is mailed or delivered by the department to the taxpayer or spouse. [1963 c.569 §17; 1977 c.160 §11; 1983 c.550 §9]

311.689 Increase in income as grounds for loss of deferral; review of tax returns; audits; deficiencies and refunds. (1) Notwithstanding ORS 311.668 or any other provision of ORS 311.666 to 311.701, if the individual or, in the case of two or more individuals electing to defer property taxes jointly, all of the individuals together, or the spouse who has filed a claim under ORS 311.688, has federal adjusted gross income that exceeds $32,000 for the tax year that began in the previous calendar year, then for the tax year next beginning, the amount of taxes for which deferral is allowed shall be reduced by $0.50 for each dollar of federal adjusted gross income in excess of $32,000.

(2) Prior to June 1 of each year, and notwithstanding ORS 314.835, the Department of Revenue shall review returns filed under ORS chapter 314 and 316 to determine if subsection (1) of this section is applicable for a homestead for the tax year next beginning. If subsection (1) of this section is applicable, the department shall notify by mail the taxpayer or spouse electing deferral, and the taxes otherwise to be deferred for the tax year next beginning shall be reduced as provided in subsection (1) of this section or, if federal adjusted gross income in excess of $32,000 exceeds the amount of property taxes by a factor of two, the property taxes shall not be deferred.

(3) If the taxpayer or spouse does not file a return for purposes of ORS chapters 314 and 316 and the department has reason to believe that the federal adjusted gross income of the taxpayer or spouse exceeds $32,000 for the tax year that began in the previous calendar year, the department shall notify by mail the taxpayer or spouse electing deferral. If, within 30 days after the notice is mailed, the taxpayer or spouse does not file a return under ORS chapter 314 or 316 or otherwise satisfy the department that federal adjusted gross income does not exceed $32,000, the department shall again notify the taxpayer or spouse, and the taxes otherwise to be deferred for the tax year next beginning shall not be deferred.

(4) For tax years beginning on or after July 1, 2002, the federal adjusted gross income limit set forth in subsections (1) to (3) of this section shall be recomputed by multiplying $32,000 by the indexing factor described in ORS 311.668 (7)(a)(A), and rounding the amount so computed to the nearest multiple of $500.

(5) Nothing in this section shall affect the continued deferral of taxes that have been deferred for tax years beginning prior to the tax year next beginning or the right to deferral of taxes for a tax year beginning after the tax year next beginning if subsection (1) is not applicable for that tax year for the homestead.

(6) As used in this section, "federal adjusted gross income" means federal adjusted gross income of the individual or, in the case of two or more individuals electing to defer property tax jointly, the combined federal adjusted gross income of the individuals, or the federal adjusted gross income of the spouse who has filed a claim under ORS 311.688, all as determined for the tax year beginning in the calendar year prior to which a determination is required under subsection (2) of this section. "Federal ad-

justed gross income" shall be determined under the Internal Revenue Code, as amended and in effect on May 1, 2009, without any of the additions, subtractions or other modifications or adjustments required under ORS chapter 314 or 316.

(7)(a) If, after an initial determination under this section has been made by the department, upon audit or examination or otherwise, it is discovered that the taxpayer or spouse had federal adjusted gross income in excess of the limitation provided under subsection (1) of this section, the department shall determine the amount of taxes deferred that should not have been deferred and give notice to the taxpayer or spouse of the amount of taxes that should not have been deferred. The provisions of ORS chapters 305 and 314 shall apply to a determination of the department under this section in the same manner as those provisions are applicable to an income tax deficiency. The amount of deferred taxes that should not have been deferred shall bear interest from the date paid by the department until paid at the rate established under ORS 305.220 for deficiencies. A deficiency shall not be assessed under this section if notice required under this section is not given to the taxpayer or spouse within three years after the date that the department has paid the deferred taxes to the county. Upon payment of the amount assessed as deficiency, and interest, the department shall execute a release in the amount of the payment and the release shall be conclusive evidence of the removal and extinguishment of the lien under ORS 311.666 to 311.701 to the extent of the payment.

(b) If, after an initial determination under this section has been made by the department, upon claim for refund, audit or examination or otherwise, it is discovered that the taxpayer or spouse had federal adjusted gross income in the amount of or less than the limitation provided under subsection (1) of this section, the department shall determine the amount of taxes deferred that should have been deferred and give notice to the taxpayer or spouse of the amount of taxes that should have been deferred. The provisions of ORS chapters 305 and 314 shall apply to a determination of the department under this section in the same manner as those provisions are applicable to an income tax refund. The amount of the taxes that should have been deferred shall bear interest from the date paid by the taxpayer to the county at the rate established under ORS 305.220 for refunds until paid. Claim for refund under this paragraph must be filed within three years after the earliest date that the taxpayer or spouse is notified by the department that the taxes are not deferred.

(8) This section applies to all tax-deferred property, notwithstanding that election to defer taxes is made under ORS 311.666 to 311.701 before or after October 3, 1989. [1989 c.948 §12; 1995 c.803 §4; 1997 c.839 §47; 1999 c.90 §36; 1999 c.1097 §7; 2001 c.660 §31; 2003 c.77 §9; 2005 c.832 §21; 2007 c.614 §9; 2008 c.45 §10; 2009 c.5 §20; 2009 c.909 §20]

Note: The amendments to 311.689 by section 20, chapter 909, Oregon Laws 2009, apply to tax years beginning on or after January 1, 2009. See section 45, chapter 909, Oregon Laws 2009. For further provisions relating to applicability, deficiency assessments, refunds and changes required pursuant to the amendments to 311.689 by section 20, chapter 909, Oregon Laws 2009, see 314.059.

311.690 Voluntary payment of deferred tax and interest. (1) All payments of deferred taxes shall be made to the Department of Revenue.

(2) Subject to subsection (3) of this section, all or part of the deferred taxes and accrued interest may at any time be paid to the department by:

(a) The taxpayer or the spouse of the taxpayer.

(b) The next of kin of the taxpayer, heir at law of the taxpayer, child of the taxpayer or any person having or claiming a legal or equitable interest in the property.

(3) A person listed in subsection (2)(b) of this section may make payments of deferred taxes under this section only if no objection is made by the taxpayer within 30 days after the department deposits in the mail notice to the taxpayer of the fact that payment of deferred taxes has been tendered.

(4) Any payment made under this section shall be applied first against accrued interest and any remainder against the deferred taxes. Payment of deferred taxes does not affect the deferred tax status of the property. Unless otherwise provided by law, payment of deferred taxes does not give the person paying the taxes any interest in the property or any claim against the estate, in the absence of a valid agreement to the contrary.

(5) When the deferred taxes and accrued interest are paid in full and the property is no longer subject to deferral, the department shall prepare, file and record documents necessary to effect a release or satisfaction of deferred property tax lien. [1963 c.569 §18; 1977 c.160 §12; 2007 c.363 §4]

311.691 Taxes unpaid before deferral as lien; effect on foreclosure; exceptions. (1) Notwithstanding any provision of ORS chapter 312 to the contrary and ORS 311.696 (1), upon compliance with ORS 311.693, taxes assessed against a tax-deferred homestead for any tax year that were unpaid as of July 1 of the tax year for which homestead property tax deferral was initially granted under ORS 311.666 to 311.701, and that remain unpaid,

shall remain a lien and shall become delinquent as otherwise provided by law, but shall not be subject to foreclosure under ORS chapter 312 until August 15 of the calendar year following the calendar year in which one of the circumstances listed in ORS 311.684 occurs.

(2) This section does not apply if:

(a) The tax-deferred homestead property is a manufactured structure or floating home and is moved out of state;

(b) Except in the case of a manufactured structure or floating home, the tax-deferred homestead property is personal property; or

(c) The owner of the tax-deferred homestead property has household income, for the calendar year immediately preceding the calendar year in which application is filed under ORS 311.693, of more than the maximum household income that may be incurred under an allowable claim for deferral, as provided in ORS 311.668.

(3) If the property to which subsection (1) of this section applies has been included on a foreclosure list, or a judgment of foreclosure entered, the property shall be removed from the foreclosure list, or judgment vacated, unless the proceeding against the property involves delinquent taxes other than those described in subsection (1) of this section.

(4) Upon removal from the foreclosure list, or upon vacation of the judgment, no penalty shall be imposed under ORS 312.110 or 312.120. In lieu thereof, the penalty is abated, or if the penalty has been paid, upon application made to the county assessor on or before July 1 of the year immediately following the year of vacation or removal, the penalty shall be refunded out of the unsegregated tax collections account in the manner provided in ORS 311.806.

(5) Within 60 days after approval of an application under ORS 311.693, with respect to any property to which this section applies, the tax collector shall make the proper entries on the tax roll and shall remove the property from the foreclosure list and proceeding.

(6) If a judgment has been entered foreclosing liens for delinquent taxes against any property which is the subject of an application filed under ORS 311.693, and the delinquent taxes include only those taxes described in subsection (1) of this section, or taxes in excess of those described in subsection (1) of this section are paid, the judgment shall be null and void and of no effect and the tax collector shall make the proper entries on the assessment and tax rolls to reflect the vacation of the judgment and to acknowledge the subsisting liens.

(7) Nothing in this section shall remove or release property to which this section applies from the lien of any unpaid tax thereon, but the unpaid taxes shall remain valid and subsisting liens as though the foreclosure proceeding had not been instituted or as though the foreclosure proceeding had not been instituted and a judgment entered.

(8) Nothing in this section shall affect a foreclosure proceeding instituted, or a judgment entered, to foreclose liens for delinquent taxes against properties subject to foreclosure if the delinquent taxes include taxes other than those described under subsection (1) of this section. Such foreclosure proceedings shall be instituted or continued without regard to this section and such judgment shall be of full force and effect as if this section did not exist.

(9) Interest on taxes to which this section applies shall be determined from the same dates, in the same manner and until paid as for other property taxes remaining unpaid upon the due dates, upon preparation of the foreclosure list in accordance with ORS chapter 312 and subsection (1) of this section and upon entry and following a judgment of foreclosure. [1983 c.793 §2; 1985 c.162 §8; 1989 c.948 §16; 1993 c.6 §8; 1995 c.79 §150; 1995 c.803 §5; 1999 c.22 §3; 1999 c.1097 §8; 2003 c.576 §413]

311.692 [1963 c.569 §19; 1967 c.335 §36; repealed by 1977 c.160 §19]

311.693 Application to delay foreclosure; effect of denial; appeal. (1) The owner of tax-deferred homestead property desiring delay in foreclosure on account of delinquent taxes as provided in ORS 311.691 shall make application for the delay to the county assessor prior to the date the period of redemption expires under ORS 312.120. The application shall contain or be accompanied by a verified statement of total household income, as defined in ORS 310.630, of the owner for the calendar year immediately preceding the calendar year in which the application is made.

(2) Upon receipt of an application under subsection (1) of this section, the county assessor shall approve or deny the application. If the application is denied, the owner may appeal to the circuit court in the county where the tax-deferred homestead property is located within 90 days after notice in writing of the denial is mailed to the owner by the county assessor. Orders of the circuit court in an appeal taken under this subsection may be appealed to the Court of Appeals within the time and in the manner provided under ORS 312.210. [1983 c.793 §3]

311.694 Taxes uncollected after foreclosure; reimbursement of state by taxing units. (1) At the time that the property is deeded over to the county at the conclu-

sion of the foreclosure proceedings pursuant to ORS 312.200 the county court shall order the county treasurer to pay to the Department of Revenue from the unsegregated tax collections account the amount of deferred taxes and interest which were not collected.

(2) Immediately upon payment, the county treasurer shall notify the tax collector of the amount paid to the department for the property which has been deeded to the county pursuant to ORS 312.200. [1963 c.569 §20; 1977 c.160 §13; 1985 c.162 §9]

311.695 Extension of time for payment upon death of claimant or spouse. (1) If the taxpayer who claimed homestead property tax deferral dies, or if a spouse who continued the deferral under ORS 311.688 dies, the Department of Revenue may extend the time for payment of the deferred taxes and interest accruing with respect to the taxes becoming due and payable under ORS 311.686 (2) if:

(a) The homestead property becomes property of an individual or individuals:

(A) By inheritance or devise; or

(B) If the individual or individuals are heirs or devisees, as defined under ORS 111.005, in the course of settlement of the estate;

(b) The individual or individuals commence occupancy of the property as a principal residence on or before August 15 of the calendar year following the calendar year of death; and

(c) The individual or individuals make application to the department for an extension of time for payment of the deferred taxes and interest prior to August 15 of the calendar year following the calendar year of death.

(2)(a) Subject to paragraph (b) of this subsection, an extension granted under this section shall be for a period not to exceed five years after August 15 of the calendar year following the calendar year of death. The terms and conditions under which the extension is granted shall be in accordance with a written agreement entered into by the department and the individual or individuals.

(b) An extension granted under this section shall terminate immediately if:

(A) The homestead property is sold or otherwise transferred by any party to the extension agreement;

(B) All of the heirs or devisees who are parties to the extension agreement cease to occupy the property as a principal residence; or

(C) The homestead property, a manufactured structure or floating home, is moved out of the state.

(3) If the department has reason to believe that the homestead property is not sufficient security for the deferred taxes and interest, the department may require the individual or individuals to furnish a bond conditioned upon payment of the amount extended in accordance with the terms of the extension. The bond shall not exceed in amount double the taxes with respect to which tax extension is granted.

(4) During the period of extension, and until paid, the deferred taxes shall continue to accrue interest in the same manner and at the same rate as provided under ORS 311.674 (3). No interest shall accrue upon interest. [1983 c.550 §7]

311.696 Limitations on effect of ORS 311.666 to 311.701. Nothing in ORS 311.666 to 311.701 is intended to or shall be construed to:

(1) Prevent the collection, by foreclosure, of property taxes which become a lien against tax-deferred property.

(2) Defer payment of special assessments to benefited property which assessments do not appear on the assessment and tax roll.

(3) Affect any provision of any mortgage or other instrument relating to land requiring a person to pay property taxes. [1963 c.569 §21; 1971 c.747 §18; 1977 c.160 §14]

311.700 Deed or contract clauses preventing application for deferral under ORS 311.666 to 311.701 prohibited; clauses void. After September 9, 1971, it shall be unlawful for any mortgage trust deed or land sale contract to contain a clause or statement which prohibits the owner from applying for the benefits of the deferral of homestead property taxes provided in ORS 311.666 to 311.701. Any such clause or statement in a mortgage trust deed or land sale contract executed after September 9, 1971, shall be void. [1971 c.572 §7; 1977 c.160 §8]

311.701 Senior Property Tax Deferral Revolving Account; sources; uses. (1) There is established in the State Treasury the Senior Property Tax Deferral Revolving Account to be used by the Department of Revenue for the purpose of making the payments to:

(a) County tax collectors of property taxes deferred for tax years beginning on or after January 1, 1983, as required by ORS 311.676.

(b) The appropriate local officer of special assessment improvement amounts deferred on or after October 15, 1983, as required by ORS 311.730.

(c) The department for its expenses in administering the property tax and special assessment senior deferral programs.

(2) The Senior Property Tax Deferral Revolving Account may include a reserve for payment of department administrative expenses.

(3) All sums of money received by the Department of Revenue under ORS 311.666 to 311.701 as repayments of deferred property taxes or under ORS 311.702 to 311.735 as repayments of deferred special assessment improvement amounts, including the interest accrued under ORS 311.674 (3) or 311.711 (3) shall, upon receipt, be credited to the revolving account and are continuously appropriated to the department for the purposes of subsection (1) of this section.

(4) If there are not sufficient moneys in the revolving account to make the payments required by subsection (1) of this section, and the amount appropriated from the General Fund is not sufficient when added together with the moneys in the revolving account to provide an amount sufficient to make the required payments, the State Treasurer, in the capacity of investment officer for the Oregon Investment Council, may lend to the Department of Revenue such amounts as may be necessary to make the payments. The State Treasurer may lend moneys that may be invested as provided in ORS 293.701 to 293.820. Any moneys lent under this subsection shall be repaid within five years together with interest at a rate determined by the State Treasurer and consistent with the investment standards of ORS 293.721 and 293.726.

(5)(a) On November 30 of each year, if the amount in the revolving account exceeds the greater of 35 percent of the total amount needed to make the payments described in subsection (1) of this section for the previous property tax year or $5 million, the department shall calculate the difference between the amount in the revolving account and the greater of an amount that equals 35 percent of the total amount needed to make the payments described in subsection (1) of this section for the previous property tax year or $5 million.

(b) No later than February 1 of each year, the department shall transfer an amount equal to the difference described in paragraph (a) of this subsection into the Oregon Project Independence Fund established in ORS 410.422. [1983 c.550 §12; 1985 c.167 §1; 1995 c.257 §1; 2001 c.716 §27; 2005 c.749 §4; 2009 c.885 §10]

DEFERRAL OF SPECIAL ASSESSMENTS FOR LOCAL IMPROVEMENT

311.702 Definitions for ORS 311.702 to 311.735. As used in ORS 311.702 to 311.735, unless the context otherwise requires:

(1) "Department" means the Department of Revenue.

(2) "Homestead" has the meaning given that term in ORS 311.666.

(3) "Special assessment for local improvement" means an amount specially assessed or reassessed to the homestead to defray the cost of an improvement of the nature described in ORS 223.387 and assessed or reassessed on the basis of benefit.

(4) "Special assessment improvement amounts" or "amount of special assessment for local improvement" means the unpaid installments of the special assessment due and payable at the time application for deferral is made or becoming due at any time thereafter while deferral is effective, plus interest attributable to the installments. If the amount of special assessment for local improvement or any installment thereof has become delinquent at the time of initial application for deferral, the terms include any delinquent installments and interest, penalties or costs imposed as a result of the delinquency, which amounts shall be considered payable at the time claim for deferral is made.

(5) "Taxpayer" means an individual who has filed a claim for deferral under ORS 311.704 or two or more individuals who have jointly filed a claim for deferral under ORS 311.704. [1977 c.859 §1; 1979 c.762 §3; 1985 c.167 §2]

311.704 Election to defer special assessment for local improvement. (1) Subject to ORS 311.706, a taxpayer may elect to defer payment of the amount of special assessment for local improvement assessed or reassessed to the taxpayer's homestead. The election shall be made by filing a claim for deferral with the officer in charge of the bond lien docket or assessment lien record. The effect of filing the claim shall be to defer payment of the amount of special assessment for local improvement determined under ORS 311.702. The claim for deferral shall be effective for the calendar year for which it is filed and for each subsequent year until the occurrence of one or more of the events described in ORS 311.716.

(2) If a guardian or conservator has been appointed for a taxpayer otherwise qualified to obtain the deferral of payment of special assessment for local improvement amounts accorded under ORS 311.702 to 311.735, the guardian or conservator may act for the taxpayer in complying with ORS 311.702 to 311.735.

(3) A taxpayer who has elected to claim the deferral under ORS 311.702 to 311.735 shall not be entitled to claim a deferral or other similar assistance available under local

law. [1977 c.859 §2; 1979 c.762 §4; 1985 c.167 §3; 1997 c.154 §12]

311.705 [Renumbered 311.785]

311.706 Requirements for deferral. (1) In order to qualify for deferral of payment of special assessment for local improvement amounts under ORS 311.702 to 311.735, the taxpayer or, in the case of two or more individuals filing a claim jointly, each filing the claim for deferral and the homestead with respect to which the claim is filed must meet the following requirements at the time the claim for deferral is filed and thereafter so long as payment of the amount of special assessment for local improvement is deferred:

(a) The taxpayer filing the claim for deferral must be 62 years of age or older.

(b) The taxpayer filing the claim, by himself or herself or together with his or her spouse, must own the fee simple estate or be purchasing the fee simple estate under a recorded instrument of sale.

(c) The property with respect to which the claim is filed must be the homestead of the taxpayer who files the claim for deferral, except for a taxpayer required to be absent from the homestead by reason of health.

(d) If the taxpayer is delinquent in payment of the special assessment for local improvement or any installments thereof, the homestead must not have yet been sold at foreclosure sale.

(e) The household income, as defined in ORS 310.630, of the taxpayer filing the claim must have been $32,000 or less for the calendar year immediately preceding the calendar year in which the claim for deferral of special assessment for local improvement installment amounts is filed.

(f) There must be no prohibition to the deferral of special assessments contained in any provision of federal law, rule or regulation applicable to a mortgage, trust deed, land sale contract or conditional sale contract for which the homestead is security.

(2) If a trustee of an inter vivos trust which was created by and is revocable by a taxpayer, who is both the trustor and beneficiary of the trust and who is otherwise qualified to obtain a deferral of special assessment for local improvement under ORS 311.702 to 311.735 owns the fee simple estate under a recorded instrument of sale, the trustee may act for the taxpayer in complying with the provisions of ORS 311.702 to 311.735.

(3) Nothing in this section shall be construed to require a spouse of a taxpayer to file a claim jointly with the taxpayer even though the spouse may be eligible to claim the deferral jointly with the taxpayer.

(4) Nothing in this section shall be construed to disqualify a taxpayer otherwise qualifying for deferral if the spouse of the taxpayer is less than 62 years of age or if the spouse does not own, or is not purchasing under a recorded instrument of sale, a fee simple estate in the homestead.

(5) Subject to ORS 311.729, when a taxpayer exercises the election to claim the deferral under ORS 311.704, it shall have the effect of:

(a) Deferring payment of the amount of special assessment for local improvements deferred pursuant to the claim until the special assessment for local improvements become delinquent under ORS 311.718.

(b) Continuing the deferral of payment by the taxpayer of any special assessment for local improvements deferred under ORS 311.702 to 311.735 for previous years which have not become delinquent under ORS 311.718.

(6)(a) For each tax year beginning on or after July 1, 2002, the Department of Revenue shall recompute the maximum household income that may be incurred under an allowable claim for deferral under subsection (1)(e) of this section. The computation shall be as follows:

(A) Divide the average U.S. City Average Consumer Price Index for the first six months of the current calendar year by the average U.S. City Average Consumer Price Index for the first six months of 2001.

(B) Recompute the maximum household income by multiplying $32,000 by the appropriate indexing factor determined as provided in subparagraph (A) of this paragraph.

(b) As used in this section, "U.S. City Average Consumer Price Index" means the U.S. City Average Consumer Price Index for All Urban Consumers (All Items) as published by the Bureau of Labor Statistics of the United States Department of Labor.

(c) If any change in the maximum household income determined under paragraph (a) of this subsection is not a multiple of $500, the increase shall be rounded to the nearest multiple of $500. [1977 c.859 §3; 1983 c.550 §19; 1985 c.140 §4; 1985 c.167 §4; 1997 c.154 §13; 2001 c.753 §30]

311.708 Claim for deferral; filing date. (1) A claim for deferral under ORS 311.704 shall be in writing on a form prescribed by the Department of Revenue and shall:

(a) Describe the homestead.

(b) Recite facts establishing the eligibility for the deferral under the provisions of ORS 311.702 to 311.735 including facts that establish that the household income as defined in ORS 310.630 of the taxpayer, or in the case of two or more taxpayers claiming the defer-

ral jointly, was less than the amount required under ORS 311.706 for the calendar year immediately preceding the calendar year in which the claim is filed.

(c) Have attached any documentary proof required by the department to show that the requirements of ORS 311.702 to 311.735 have been met.

(2) There shall be annexed to the claim a statement verified by a written declaration of the applicant making the claim to the effect that the statements contained in the claim are true.

(3) The claim shall incorporate the terms or have annexed thereto a certified copy of the agreement for payment of the special assessment for local improvement in installments. The claim shall be filed on or after October 1 and before December 1 of the calendar year in which the deferral is first claimed.

(4) Any person aggrieved by the denial of a claim for deferral of special assessments for local improvements or disqualification from deferral of special assessments for local improvements may appeal in the manner provided by ORS 305.404 to 305.560. [1977 c.859 §4; 1985 c.167 §5; 1987 c.512 §6; 1993 c.19 §13; 1995 c.650 §79; 1997 c.154 §§14,15; 2001 c.753 §31]

311.710 [Renumbered 311.790]

311.711 Duties of bond lien docket or assessment lien record officer; liens; interest; foreclosure. (1) The officer in charge of the bond lien docket or assessment lien record shall forward each claim filed under ORS 311.702 to 311.735 to the Department of Revenue, which shall determine if the property is eligible for deferral. If eligibility for special assessment deferral is established as provided in ORS 311.702 to 311.735, the officer in charge of the bond lien docket or assessment lien record shall:

(a) Show by an entry on the bond lien docket which property specially assessed is accorded deferral under ORS 311.702 to 311.735.

(b) For the year for which the deferral of special assessment is first claimed with respect to a property, verify to the department the total amount of special assessment for local improvement subject to deferral with respect to the property, the rates of interest and accrual dates and any other pertinent information relating to payment of the deferred amount.

(2) Until otherwise required by ORS 311.702 to 311.735, the officer in charge of the bond lien docket or assessment lien record shall continue to show on the bond lien docket or assessment lien record that the property with respect to which the deferral under ORS 311.702 to 311.735 is allowed continues to be subject to special assessment deferral. The officer in charge of the bond lien docket or assessment lien record shall make a separate list of the properties subject to special assessment deferral and shall show the amount of special assessment for local improvement deferred for each property, and shall show the accrued interest added each year on the amount of special assessment for local improvement deferred and the total accrued interest.

(3) Interest shall accrue on the amount of the deferred special assessment for local improvement at the rate of six percent per annum. Except the interest described in this subsection and the interest included in the deferred special assessment amounts, no other interest shall accrue on the amount of deferred special assessment for local improvement.

(4) The department shall have a lien against the deferred property for the payment of any deferred special assessment for local improvement plus interest thereon. The liens for deferred special assessment for local improvement shall attach to the property on July 1 of the year in which the special assessment for local improvement was assessed. The liens for deferred special assessment for local improvement shall have the same priority as other liens against real property except that the lien of mortgages or trust deeds which are recorded prior to the attachment of the lien for special assessment for local improvement shall be prior to the liens for deferred special assessment for local improvement.

(5) The lien may be foreclosed by the department as if it were a purchase money mortgage under ORS chapter 88. The court may award reasonable attorney fees to the prevailing party in a foreclosure action under this section.

(6) Receipts from foreclosure proceedings shall be credited in the same manner as other repayments of deferred special assessment for local improvement under ORS 311.701. [1977 c.859 §5; 1979 c.762 §5; 1985 c.167 §6; 1991 c.459 §259; 1995 c.618 §65; 1997 c.154 §17]

311.713 [1977 c.859 §5a; 1979 c.762 §6; repealed by 1985 c.167 §14]

311.715 [Amended by 1961 c.362 §1; 1965 c.344 §38; renumbered 311.795]

311.716 Events requiring payment of deferred special assessment; duty to inform Department of Revenue. (1) Subject to ORS 311.721, all deferred special assessments for local improvement, including accrued interest, become payable as provided in ORS 311.718 when:

(a) The taxpayer who claimed deferral of collection of special assessment for local improvement on the homestead dies.

(b) The homestead with respect to which deferral of collection of special assessment for local improvement is claimed is sold, or a contract to sell is entered into, or some person other than the taxpayer who claimed the deferral becomes the owner of the property.

(c) The homestead with respect to which deferral of special assessment for local improvement is claimed is no longer the homestead of the taxpayer who claimed the deferral, except in the case of a taxpayer required to be absent from the homestead by reason of health.

(2) The taxpayer or the taxpayer's representative shall have a duty to inform the Department of Revenue of the occurrence of an event described in this section on or before December 31 following the event's occurrence. [1977 c.859 §6; 1985 c.167 §7; 1997 c.154 §18]

311.717 [Formerly 606.240; renumbered 311.800]

311.718 Time for payments; delinquencies. (1) Except as provided in ORS 311.722, when any of the circumstances listed in ORS 311.716 occurs, the amounts of deferred special assessment for local improvement, including accrued interest, shall be due and payable on August 15 of the year following the calendar year in which the circumstance occurs, except as provided in ORS 311.721.

(2) If the amounts falling due as provided in this section are not paid on the indicated due date, the amounts shall be deemed delinquent as of that date and the homestead shall become subject to foreclosure as provided in ORS 311.711. [1977 c.859 §7; 1985 c.167 §8]

311.720 [Amended by 1967 c.421 §199; renumbered 311.804]

311.721 Election by spouse to continue deferral. (1) Notwithstanding ORS 311.716 and 311.718, when one of the circumstances listed in ORS 311.716 occurs, the spouse of the taxpayer who claimed the deferral may elect to continue the homestead in its deferred status if:

(a) The spouse of the taxpayer is or will be 60 years of age or older not later than six months from the day the circumstances listed in ORS 311.716 occur; and

(b) The homestead is the homestead of the spouse of the taxpayer and meets the requirements of ORS 311.706.

(2) The election under subsection (1) of this section to continue the property in its deferred status by the spouse shall be filed in the same manner as a claim for deferral is filed under ORS 311.704, not later than August 15 of the year following the calendar year in which the circumstances listed in ORS 311.716 occur. Thereupon, the homestead with respect to which the deferral is claimed shall continue to be subject to special assessment deferral and the appropriate local officials shall cancel all actions taken under ORS 311.718 and make any necessary correcting entries in their records. Subject to ORS 311.729, the deferral shall continue until the special assessment for local improvement becomes delinquent under ORS 311.718. [1977 c.859 §8; 1985 c.167 §12]

311.722 Extension of time for payment upon death of claimant; five-year limit; bond; interest. (1) If the taxpayer who claimed the deferral of special assessment for local improvement dies, or if a spouse who continued the deferral under ORS 311.702 to 311.735 dies, the Department of Revenue may extend the time for payment of the special assessment for local improvement and interest accruing with respect to the special assessment for local improvement becoming due and payable under ORS 311.718 if:

(a) The homestead property becomes property of an individual or individuals:

(A) By inheritance or devise; or

(B) If the individual or individuals are heirs or devisees, as defined under ORS 111.005, in the course of settlement of the estate;

(b) The individual or individuals commence occupancy of the property as a principal residence on or before August 15 of the calendar year following the calendar year of death; and

(c) The individual or individuals make application to the department for an extension of time for payment of the deferred special assessment for local improvement and interest prior to August 15 of the calendar year following the calendar year of death.

(2)(a) Subject to paragraph (b) of this subsection, an extension granted under this section shall be for a period not to exceed five years after August 15 of the calendar year following the calendar year of death. The terms and conditions under which the extension is granted shall be in accordance with a written agreement entered into by the department and the individual or individuals.

(b) An extension granted under this section shall terminate immediately if:

(A) The homestead property is sold or otherwise transferred by any party to the extension agreement;

(B) All of the heirs or devisees who are parties to the extension agreement cease to occupy the property as a principal residence; or

(C) The homestead property, a manufactured structure or floating home, is moved out of the state.

(3) If the department has reason to believe that the homestead property is not sufficient security for the deferred special assessment for local improvement and interest the department may require the individual or individuals to furnish a bond conditioned upon payment of the amount extended in accordance with the terms of the extension. The bond shall not exceed in amount double the special assessment for local improvement with respect to which extension is granted.

(4) During the period of extension, and until paid the deferred special assessment for local improvement shall continue to accrue interest in the same manner and at the same rate as provided under ORS 311.674 (3). No interest shall accrue upon interest. [1985 c.167 §10]

311.723 Voluntary payment of deferred special assessment. (1) Subject to subsection (2) of this section, all or part of the amounts of deferred special assessment for local improvement, and accrued interest, may at any time be paid to the Department of Revenue by:

(a) The taxpayer who filed the claim for deferral or the taxpayer's spouse.

(b) The next of kin of the taxpayer who filed the claim for deferral, the taxpayer's heir at law, the taxpayer's child or any person having or claiming a legal or equitable interest in the property.

(2) A person referred to in subsection (1)(b) of this section may make the payments only if no objection is made by the taxpayer who filed the claim for deferral within 30 days after the department deposits in the mail notice to the taxpayer who filed the claim that the payment has been tendered.

(3) Any payments made under this section shall be applied first against accrued interest and any remainder against the deferred special assessment for local improvement. A payment made pursuant to this section does not affect the deferred status of the homestead. Unless otherwise provided by law, the payment does not give the person paying the deferred special assessment any interest in the property or any claim against the estate, in the absence of a valid agreement to the contrary. [1977 c.859 §9; 1985 c.167 §13]

311.725 Disposition of collected special assessments; reimbursement of state. (1) When any deferred special assessment for local improvement, including accrued interest, is collected, the moneys shall be credited to a special account and the appropriate entries shall be made evidencing payment on the bond lien docket or assessment lien record. The appropriate local officer shall remit the amount of deferred special assessment, and accrued interest, to the Department of Revenue. The remittance shall be accompanied by an explanation giving a description of the homestead for which the special assessment for local improvement was collected, and a statement of the special assessment amounts and the accrued interest amounts collected.

(2) The department shall enter the amount received against the accounts which have been set up for the special assessment deferred properties. The amount received shall be credited as provided in ORS 311.701. [1977 c.859 §10; 1979 c.762 §7; 1983 c.550 §15]

311.727 Deferred special assessments uncollected after foreclosure; reimbursement of state by taxing units. (1) At the time that a homestead that is the subject of special assessment deferral is deeded to a unit of local government at the close of collection proceedings, the appropriate officer of the local government unit shall pay to the Department of Revenue out of the general fund of the local government unit the amount of deferred special assessment, and accrued interest, which was not collected in the same manner as other deferred special assessments for local improvement are paid over to the department when collected.

(2) Any amount paid over to the department under subsection (1) of this section, if later collected, shall be paid to reimburse the general fund of the local government unit and the necessary entries shall be made upon the special assessment records. [1977 c.859 §11]

311.729 Limitations on effect of ORS 311.702 to 311.735. Nothing in ORS 311.702 to 311.735 is intended to or shall be construed to:

(1) Prevent the collection, by foreclosure, of delinquent property taxes which have become a lien against the homestead that is the subject of special assessment deferral provided in ORS 311.702 to 311.735.

(2) Prevent the granting of deferral of property taxes pursuant to ORS 311.666 to 311.701.

(3) Affect any provision of a mortgage or other instrument relating to the homestead.

(4) Prevent the collection, by appropriate collection proceeding, of delinquent special assessment installments which are a lien against the homestead but which have not been deferred as provided in ORS 311.702 to 311.735. Upon determination by the local government unit that any nondeferred installment is in default, the whole sum, including deferred amounts of the special assessment for local improvement shall become due and payable at once. [1977 c.859 §12]

311.730 Payments by state to local officers; dates of payment; small special assessment amounts prepaid. (1) Upon receipt of the information needed to make payments of the deferred special assessment amounts, the Department of Revenue shall make payment to the appropriate local officer. Payment shall be made from the revolving account established under ORS 311.701. Based on the information received, the department shall pay:

(a) All deferred special assessment amounts accruing between January 1 and June 30 of the year on or before August 1;

(b) All deferred special assessment amounts accruing between July 1 and December 31 of the year on or before February 1; and

(c) The special assessment improvement amount balance, including amounts of the special assessment not yet due and payable, that is attributable to a single homestead that has been granted deferral under ORS 311.702 to 311.735, if the special assessment improvement amount is less than $1,000 for the year in which deferral is first claimed.

(2) The department shall maintain accounts for each specially assessed deferred property and shall accrue interest on the gross amount of special assessment for local improvement advanced. [1977 c.859 §13; 1980 c.19 §9; 1983 c.550 §16; 1997 c.154 §19]

311.731 Remittance to state of prepaid amounts when deferral ends. (1) When an event described under ORS 311.716 occurs with respect to a homestead for which the Department of Revenue has prepaid special assessment improvement amounts under ORS 311.730 (1)(c), the appropriate local officer shall remit to the department the amount of the prepayment.

(2) The remittance shall be made on or before August 15 of the year following the calendar year in which the event occurs, in an amount equal to the amount of the prepayment not yet due and payable on the date of the remittance, plus accrued interest on that amount.

(3) The department shall enter the amount received against the account that has been set up for special assessment deferred property. The amount received shall be credited as provided in ORS 311.701. [1997 c.154 §23]

311.732 Deed or contract clause preventing application for deferral prohibited; clauses void. After September 20, 1985, it shall be unlawful for any mortgage trust deed or land sale contract to maintain a clause or statement which prohibits the owner from applying for the benefits of the deferral of special assessment for local improvement as provided in ORS 311.702 to 311.735. Any such clause or statement in a mortgage trust deed or land sale contract executed after September 20, 1985, shall be void. [1985 c.167 §11]

311.735 Rules. The Department of Revenue shall make any rules necessary to carry out the provisions of ORS 311.702 to 311.735. [1977 c.859 §14]

DISASTER AREA TAX DEFERRAL

311.740 Definitions for ORS 311.740 to 311.780. As used in ORS 311.740 to 311.780:

(1) "Commissioners" means the county court, board of county commissioners or other governing body of a county.

(2) "Department" means the Department of Revenue.

(3) "Disaster area" means an area within the State of Oregon which the Governor of the State of Oregon has named and declared to be a disaster area.

(4) "Land" means agricultural land or rangeland under farm use as defined in ORS 215.203 or 308A.056.

(5) "Taxes" means ad valorem taxes, assessments, fees and charges entered on the assessment and tax roll against land as defined in this section.

(6) "Taxpayer" means the person or persons who pay taxes upon land as defined in this section. [1977 c.695 §1; 1999 c.314 §67]

311.745 Election to defer taxes in disaster area; eligibility. (1) Subject to ORS 311.750, the taxpayer who has land situated in a disaster area and whose land is adversely affected by the disaster area may, on or before September 1 of each year, elect to defer the taxes levied on the land of the taxpayer for that year. To exercise the option, each taxpayer shall file a claim for deferral with the commissioners on or before September 1 of each year in which the taxpayer claims the deferral. The commissioners shall examine the application and certify that the taxpayer's property is adversely affected by the disaster. After certifying that the property is adversely affected by the disaster, the commissioners shall forward the application to the Department of Revenue.

(2) When the taxpayer exercises an option to defer taxes for any year by filing a claim for deferral under subsection (1) of this section, it shall have the effect of deferring payment of the taxes levied against the land of the taxpayer for the period of time the area continues to be designated a disaster area. [1977 c.695 §2]

311.750 Qualifications. In order to qualify for tax deferral under ORS 311.740 to 311.780, the property must meet all of the following requirements when the claim is filed and each year thereafter so long as the payment of taxes by the taxpayer is deferred:

(1) The property must be located in a disaster area.

(2) If the taxpayer is not the owner of the land, the taxpayer shall obtain written approval from the owner of the land to defer the taxes on the land under ORS 311.740 to 311.780.

(3) Property must be land as defined in ORS 311.740. [1977 c.695 §3]

311.755 Time for payment; interest on deferred taxes; delinquency. When the area in which the land is located ceases to become a disaster area, the deferred taxes will be due and payable as follows:

(1) One-fifth (20 percent) of the deferred taxes shall be payable on or before November 15 of the year following the close of the calendar year in which the termination of the disaster area designation has occurred and November 15 of each year thereafter.

(2) Interest shall accrue against the unpaid taxes and shall be paid with each one-fifth payment for the period of time the taxes have remained unpaid at the rate provided in ORS 311.775.

(3) The amounts designated in subsections (1) and (2) of this section shall be paid directly to the Department of Revenue on or before November 15 of each year in which they are due.

(4) If the amounts falling due as provided in this section are not paid on the indicated due date, such amounts shall be deemed delinquent as of that date and the property shall be subject to foreclosure as provided in ORS 311.771.

(5) All moneys collected by the department pursuant to this section shall be deposited into the General Fund. [1977 c.695 §4]

311.759 Voluntary payment; satisfaction of deferred property tax lien. (1) Notwithstanding ORS 311.755, all or part of the deferred taxes and accrued interest may be paid at any time to the Department of Revenue.

(2) When the deferred taxes and accrued interest are paid in full and the property is no longer subject to tax deferral under ORS 311.740 to 311.780, the department shall prepare and record in the county in which the property is located a satisfaction of deferred property tax lien. [1977 c.695 §5]

311.760 [Repealed by 1965 c.344 §42]

311.761 Recordation of tax deferred properties; recording constitutes notice of lien. (1) On its approval of an application to defer taxes on land, the Department of Revenue shall record in each county in which there is tax deferred property under ORS 311.740 to 311.780 in the mortgage record of the county the list of the tax deferred properties of that county. The list shall contain a description of the property as listed on the assessment roll together with the name of the owner listed thereon.

(2) The recording of the tax deferred properties under subsection (1) of this section gives notice that the department claims a lien against those properties in the amount of the deferred taxes plus interest, even though the amount of taxes or interest is not listed. [1977 c.695 §6]

311.765 [Repealed by 1965 c.344 §42]

311.770 [Repealed by 1975 c.780 §16]

311.771 Liens; priority; foreclosure proceeding. (1) The Department of Revenue shall have a lien against the tax deferred property for the payment of the deferred taxes plus interest thereon. The liens for deferred taxes shall attach to the property on July 1 of the year in which the taxes were assessed. The deferred property tax liens shall have the same priority as real property tax liens except that the lien of mortgages or trust deeds which are recorded prior in time to the lien for deferred taxes under ORS 311.740 to 311.780 shall be prior to the liens for deferred taxes.

(2) The lien may be foreclosed by the department as if it were a purchase money mortgage under ORS chapter 88. The court may award reasonable attorney fees to the prevailing party in a foreclosure action under this section.

(3) Receipts from foreclosure proceedings and from voluntary payments for deferred taxes shall be paid by the department to the General Fund. [1977 c.695 §7; 1981 c.897 §48; 1995 c.618 §66]

311.775 Notice of deferral to assessor by department; rate of interest on deferred taxes. (1) If eligibility for deferral of taxes is established as provided in ORS 311.740 to 311.780, the Department of Revenue shall notify the county assessor and the county assessor shall show on the current ad valorem assessment and tax roll which property is tax deferred property by an entry clearly designating such property as tax deferred property.

(2) When requested by the department, the tax collector shall send to the department as soon as the taxes are extended on the roll the tax statement for each tax deferred property.

(3) Interest shall accrue on the deferred taxes at the rate of nine percent per annum. [1977 c.695 §8]

311.780 Payment of tax deferred amounts to county by state; availability of moneys. (1) Upon receipt of the notification from the Department of Revenue of the amount deferred on tax deferred property under ORS 311.740 to 311.780, the Oregon Department of Administrative Services shall pay to the respective county tax collectors an amount equivalent to the full amount of tax listed by the Department of Revenue less three percent thereof.

(2) The Department of Revenue shall maintain accounts for each deferred property and shall accrue interest at the rate earned by the Oregon Short Term Fund established under ORS 293.728 on the gross amount of taxes advanced.

(3) The payment described in subsection (1) of this section shall be made only if there are moneys available in the General Fund for the payment because they are not appropriated or otherwise allocated for other purposes. Any moneys paid from the General Fund under this section shall be repaid to the General Fund with interest accrued at the rate described in subsection (2) of this section. [1977 c.695 §9; 1980 c.19 §10; 1993 c.18 §75; 2009 c.541 §17; 2009 c.821 §23]

COMPROMISE, ADJUSTMENT AND SETTLEMENT OF TAXES

311.785 Authority to compromise taxes, abate interest or lawful charges. Except as may be specifically provided by law, no county court shall have authority to compromise any tax or taxes levied and charged on the tax roll of any year, or to abate interest or other lawful charges thereon, except where litigation involving the validity of such tax or taxes is pending or seriously threatened and there is a grave legal question as to such validity. [Formerly 311.705]

311.790 Cancellation of uncollectible property tax. (1) If the tax collector and the district attorney for any county determine that taxes on personal property that are delinquent are for any reason wholly uncollectible, the tax collector and district attorney may request, in writing, the county court for an order directing that the taxes be canceled. The court, when so requested, may in its discretion order and direct the tax collector to cancel such uncollectible personal property taxes. The order shall be entered in the journal of the county court.

(2) If the tax collector determines that additional taxes on real property disqualified from special assessment under ORS 308A.703 are wholly uncollectible due to the property's exempt status, the tax collector may request, in writing, the county court for an order directing that the taxes be canceled. The court, when so requested, may in its discretion order and direct the tax collector to cancel the uncollectible property taxes. The order shall be entered in the journal of the county court. [Formerly 311.710; 1993 c.6 §6; 2007 c.791 §1]

311.795 Cancellation of delinquent taxes on certain donated property; cancellation of delinquent taxes where total is less than five dollars. (1) A county governing body may cancel all delinquent taxes and the interest and penalties thereon accrued upon property donated to any incorporated city or town or any park and recreation district organized and operating under ORS chapter 266 for parks, playgrounds or a city hall. This section does not apply if the city, town or park and recreation district makes any payment to the owner, either directly or indirectly, for the property.

(2) A county governing body may cancel all delinquent real property taxes and interest and penalties due thereon from any taxpayer where the total of the same is less than $5, when in the judgment of the county governing body the cost of collecting the same will be greater than the amount to be collected.

(3) A county governing body may cancel all delinquent personal property taxes and the interest and penalties thereon due from any taxpayer where the total of the same is less than $5 and in the judgment of the county governing body the cost of collecting the same will be greater than the amount to be collected.

(4) Property taxes that are deferred under the homestead deferral program established under ORS 311.666 to 311.701, special assessments for local improvements that are deferred under ORS 311.702 to 311.735 or property taxes that are deferred under the disaster area tax deferral program established under ORS 311.740 to 311.780 are not delinquent taxes for purposes of this section. A county governing body may not cancel any deferred taxes, deferred special assessments or interest or penalties that accrue with respect to deferred taxes or deferred special assessments described in this subsection. [Formerly 311.715; 1983 c.773 §1; 1993 c.6 §7; 2003 c.704 §1; 2007 c.70 §81]

311.796 Cancellation of taxes upon donation of property to state, local government or nonprofit corporation for certain purposes. (1) Prior to July 1, 2010, a county governing body may cancel all delinquent taxes and the interest and penalties thereon accrued upon property donated to this state or any municipal corporation or political subdivision of this state or private nonprofit

corporation for the purposes of providing low income housing, social services or child care or, in the case of a nonprofit corporation, for the public purposes of the nonprofit corporation. This section does not apply if the state or any municipal corporation or political subdivision of this state or private nonprofit corporation makes any payment to the owner, either directly or indirectly, for the property.

(2) Property taxes that are deferred under the homestead deferral program established under ORS 311.666 to 311.701, special assessments for local improvements that are deferred under ORS 311.702 to 311.735 or property taxes that are deferred under the disaster area tax deferral program established under ORS 311.740 to 311.780 are not delinquent taxes for purposes of this section. A county governing body may not cancel any deferred taxes, deferred special assessments or interest or penalties that accrue with respect to deferred taxes or deferred special assessments described in this subsection. [1991 c.615 §2; 1993 c.168 §9; 1997 c.752 §1; 1999 c.487 §4; 2003 c.704 §2; 2007 c.70 §82]

311.800 Compromise of taxes on lands conveyed to United States. The county court of each county may compromise all taxes, interest and penalties upon any land conveyed to the United States by gift, grant or devise by any person, under the terms of section 8 of the Act of Congress approved June 28, 1934, public document No. 482, known as the Taylor Grazing Act. However, this section does not apply to exchanges of real property made under the provisions of such Act. [Formerly 311.717]

311.804 Cancellation of assessment or taxes on cancellation of certificate or contract by Department of State Lands. (1) If taxes are levied or assessed upon lands that are a portion of the assets of the Common School Fund while held under certificate or contract of sale and the certificate or contract is canceled by the Department of State Lands, such taxes or assessments shall become void upon receipt of written notice from the Director of the Department of State Lands of cancellation of the certificate or contract of sale. Officials having charge of the records of taxes and assessments on lands included in certificates or contracts of sale so canceled shall note on their records the word "invalidated," and the date of cancellation.

(2) This section does not apply to irrigation or drainage districts' tax liens if the irrigation or drainage districts were organized prior to the inception of the department's lien. [Formerly 311.720]

311.805 [Repealed by 1959 c.554 §1 (311.806 enacted in lieu of 311.805)]

REFUNDS

311.806 Refund of taxes on real and personal property. (1) Subject to subsection (2) of this section, the county governing body shall refund, out of the refund reserve account provided in ORS 311.807, or the unsegregated tax collections account provided in ORS 311.385, taxes on property collected by an assessor or tax collector pursuant to a levy of the assessor or of any taxing district or tax levying body or pursuant to ORS 311.255, plus interest as provided in ORS 311.812, in the following cases:

(a) To the person described in ORS 309.100 (1) and in whose name a petition was filed, whenever a change in the value of property is ordered by a county board of property tax appeals and no appeal is taken or can be taken from the board's order, or whenever ordered by the Oregon Tax Court or the Supreme Court and the order constitutes a final determination of the matter;

(b) To the person who has sought and obtained an order from the Department of Revenue under ORS 306.115, whenever a change in the value of property is ordered by the department and no appeal is taken or can be taken from the order of the department;

(c) To the person who meets the criteria described in ORS 305.275 and in whose name an appeal is filed under ORS 305.275, whenever ordered by the Oregon Tax Court or Supreme Court and the order constitutes a final determination of the matter;

(d) Whenever a change in the value of property is made under ORS 309.115 upon resolution of an appeal and no separate appeal of the value of the property was taken for the year of the change:

(A) To the person in whose name the appeal was filed, for each year after the year for which the appeal was filed in which that person was listed as the owner or an owner or the person in whose name the property was assessed; and

(B) To the owner of record on the tax roll at the time of refund, each year thereafter;

(e) To the owner of record on the tax roll at the time of refund, whenever taxes are collected against real or personal property not within the jurisdiction of the tax levying body;

(f) Except as provided in ORS 310.143, to the owner of record on the tax roll at the time of refund, whenever, through excusable neglect or through an error subject to correction under ORS 311.205, taxes on property are paid in excess of the amount legally chargeable, limited to the amount of money collected in excess of the amount actually due; or

(g) Except as provided in ORS 311.808, to the payer of the tax whenever any person pays taxes on the property of another by mistake of any kind.

(2)(a) Except as provided in paragraphs (b) and (c) of this subsection, a refund of taxes may not be allowed or made after six years from the assessment date for the tax year for which the taxes were collected. A refund under this subsection may be paid only to the extent that a refund under subsection (4) of this section has not been paid.

(b) A refund of taxes may be allowed or made under subsection (1)(f) or (g) of this section after the period described in paragraph (a) of this subsection if, before the expiration of the period, a written claim for refund of the taxes is filed by the taxpayer with the county governing body.

(c) The county governing body shall order a refund of taxes to be paid as specified in subsection (1) of this section without the filing of a written claim and without regard to the period specified under paragraph (a) of this subsection upon receipt of a copy of an order by the Department of Revenue, the Oregon Tax Court or the Supreme Court that constitutes a final determination that is not subject to appeal.

(3)(a) Upon request of the owner or an owner of any taxable property or the person in whose name the property is assessed, or the owner of record on the tax roll at the time of refund, whichever is applicable, and with the approval of the tax collector, the county governing body may authorize refunds payable under subsection (1)(a) to (e) of this section to be made by crediting the total tax liability account of the requester with the amount of the refund. The total tax liability account is the total amount of tax that has been extended or charged against a particular property tax account as limited by section 11b, Article XI of the Oregon Constitution.

(b) In the case of a refund or credit payable to a single requester that results from an order constituting a final determination of a matter as described under subsection (1)(a), (b) or (c) of this section, a county governing body may elect to pay the refund or apply the credit in equal periodic installments over not more than the five-year period that begins on the date that the order is issued if the amount to be refunded or credited exceeds the lesser of $250,000 or one-quarter of one percent of the total amount of taxes on property imposed within the county within the limits of section 11b, Article XI of the Oregon Constitution, as listed on the certificate last prepared under ORS 311.105.

(c) If a county governing body elects to pay a refund or credit under the provisions of paragraph (b) of this subsection, and the election will result in a hardship to a requester, the requester may appeal the election to the tax court as provided in ORS 305.404 to 305.560.

(4)(a) The tax collector shall refund taxes paid on a property value, a claim for exemption or a claim for cancellation of a property tax exemption if:

(A) A county board of property tax appeals or the Oregon Tax Court issues a decision that could result in a refund if the decision is upheld on appeal;

(B) The final resolution is pending further appeal; and

(C) The county governing body orders a refund of taxes paid under this subsection.

(b) An order by a county governing body or a recommendation of an assessor or tax collector in regard to this subsection may not be considered in determining matters in controversy on appeal, including property value or tax liability.

(c) Interest may not be paid on any refund under this subsection prior to final resolution of the appeal. If, after taking into account the amount refunded under this subsection, the final resolution of the controversy after appeal results in a refund due, interest shall be determined and paid as provided in ORS 311.812.

(d) If, after taking into account the amount refunded under this subsection, the final resolution of the controversy after appeal results in additional taxes due on the property, the additional taxes shall be billed and collected as provided in ORS 311.513.

(5) Immediately upon payment of the refund and any interest thereon, the tax collector shall make the necessary correcting entries in the records of the office of the tax collector. ORS 294.305 to 294.565 do not apply to refunds made out of the refund reserve account or the unsegregated tax collections account.

(6) A refund is not required under this section for any tax year if the amount of the refund would be $10 or less. Any amount not refunded under this subsection shall be distributed to taxing districts in the same manner that other taxes are distributed.

(7) As used in this section, "owner of record on the tax roll at the time of refund" means the owner or an owner of the property or the person in whose name the property is assessed on the tax roll last certified and delivered to the tax collector under ORS 311.105 and 311.115. [1959 c.554 §2 (enacted in lieu of 311.805); 1961 c.533 §50; 1971 c.737 §3; 1973 c.347 §1; 1975 c.395 §3; 1979 c.702 §1; 1985 c.162 §10; 1991 c.459

§260; 1993 c.6 §3; 1993 c.270 §60; 1995 c.650 §71; 1997 c.541 §§295,296; 2003 c.38 §1; 2005 c.394 §1; 2007 c.364 §1]

311.807 Refund reserve account; deposits; payment of refunds; rules. (1) The county treasurer may maintain an account designated as the refund reserve account. The refund reserve account shall consist of the funds deposited by the treasurer under subsection (2) of this section and any funds deposited under ORS 311.160, plus interest earned thereon.

(2)(a) Each year, the treasurer may deposit in the refund reserve account, from the unsegregated tax collections account, an amount equal to 100 percent of the anticipated annual refunds for the county.

(b) Any deposit into the refund reserve account from taxes collected in November shall not exceed two-thirds of the total anticipated annual refunds for the county.

(3) The moneys in the refund reserve account shall first be used to pay refunds determined to be due under ORS 311.806.

(4) If the moneys in the refund reserve account are insufficient to pay refunds at any time, refunds shall be made out of the unsegregated tax collections account. If funds are not available in either the refund reserve account or the unsegregated tax collections account, the county governing body may delay payment of the refunds until such time as sufficient funds are available.

(5) If, at the end of the fiscal year, the balance in the refund reserve account exceeds the amount necessary to pay estimated refunds, the treasurer shall distribute the excess to the unsegregated tax collections account.

(6) The Department of Revenue shall provide by rule the method to be used to calculate anticipated annual refunds for the county. [1991 c.459 §266; 1993 c.650 §3; 2005 c.94 §65]

311.808 Refund on real property or manufactured structure; when prohibited. A refund of property taxes under ORS 311.806 (1)(g) may not be made on real property or a manufactured structure when all of the following conditions are present:

(1) A mortgagee has requested the tax statement for the property under ORS 311.252 and has paid the tax on the property.

(2) The tax roll shows payment of the taxes, and thereafter the property is sold to a bona fide purchaser. [1975 c.395 §2; 1989 c.297 §2; 1993 c.270 §71; 2003 c.38 §2]

311.810 [Repealed by 1965 c.344 §42]

311.812 No interest on refunds under ORS 311.806; exceptions; rate. (1) Except as provided in subsection (2) of this section, interest may not be paid upon any tax refunds made under ORS 311.806.

(2) Interest as provided in subsection (3) of this section shall be paid on the following refunds:

(a) A refund resulting from the correction under ORS 308.242 (2) or (3) or 311.205 of an error made by the assessor, Department of Revenue or tax collector.

(b) A refund resulting from a written stipulation of the county assessor or the county tax collector if the written stipulation constitutes a final determination that is not subject to appeal.

(c) Any refund ordered by the Department of Revenue if no appeal is taken or can be taken from the department's order.

(d) Refunds ordered by the Oregon Tax Court or the Supreme Court if the order constitutes a final determination of the matter.

(e) Refunds of taxes collected against real or personal property not within the jurisdiction of the tax levying body.

(f) Refunds due to reductions in value ordered by a county board of property tax appeals where no appeal is taken.

(g) Refunds due to reductions in value made pursuant to ORS 309.115.

(h) Refunds due to a claim for a veteran's exemption for a prior tax year that is filed pursuant to ORS 307.262.

(3)(a) The interest provided by subsection (2) of this section shall be paid at the rate of one percent per month, or fraction of a month, computed from the time the tax was paid or from the time the first installment thereof was due, whichever is the later. If a discount is given at the time the taxes are paid, interest shall be computed only on the net amount of taxes to be refunded. If any portion of a refund described in subsection (2) of this section results from an assessment based on inaccurate information contained in a report filed by a taxpayer, interest shall be computed on only the portion of the refund that is not attributable to the inaccurate information contained in the taxpayer report.

(b) As used in this subsection, "report" means a return, statement or any other information provided by a taxpayer in writing to the department or county assessor. [1971 c.737 §2; 1975 c.704 §4; 1977 c.606 §3; 1981 c.804 §89a; 1983 s.s. c.5 §22; 1993 c.270 §61; 1995 c.79 §151; 1995 c.226 §13; 1997 c.541 §298; 1999 c.862 §5; 2001 c.199 §4; 2005 c.394 §2; 2007 c.545 §1; 2007 c.590 §3; 2009 c.41 §5]

311.813 Refund account; order of court. If a refund of ad valorem property tax is ordered by a court of competent jurisdiction other than a court mentioned in ORS 311.806 (1)(a), the refund and any interest ordered to be paid thereon shall be refunded out of the unsegregated tax collections ac-

count established under ORS 311.385. [1987 c.301 §2]

311.814 Appeal of large amounts of value; reserve account for refunds. (1) Whenever any property value or claim for exemption or cancellation of a property tax assessment is appealed to the Oregon Tax Court after taxes on the property have been imposed, the Department of Revenue shall notify the county treasurer of the appeal not later than the following October 15, if the appeal is not finally resolved before the end of the tax year to which the appeal relates and the dollar difference between the total value asserted by the taxpayer and the total value asserted by the opposing party exceeds one-fourth of one percent (0.0025) of the total assessed value in the county, or if the appeal relates to property assessed under ORS 308.505 to 308.665, and the value of such property asserted by the opposing party and attributable to the county exceeds one-fourth of one percent (0.0025) of the total assessed value in the county. After notification, the county treasurer shall set aside, if so ordered by the county governing body, from taxes collected in the current tax year, an interest bearing reserve account as provided in this section.

(2) The reserve shall consist of an amount representing that portion of taxes paid by the petitioner attributable to the amount of value in dispute for each tax year that the appeal remains unresolved. Upon termination of the controversy, the principal amount in the account necessary to pay any refund, and any interest provided for under ORS 311.812, shall be paid to the petitioner. Any excess remaining in the reserve after termination of the controversy and payment of a refund, if any, shall be deposited in the unsegregated tax collections account in full satisfaction of the tax due on the property.

(3) If the final resolution of the controversy results in additional taxes due on the property, the amount in the reserve account shall be deposited into the unsegregated tax collections account and shall be distributed according to the distribution percentage schedule for the current tax year prepared in accordance with ORS 311.390. The additional taxes shall be collected as provided in ORS 311.513. [1991 c.459 §265; 1993 c.270 §63; 1995 c.256 §8; 1995 c.650 §72; 1997 c.541 §§299,300; 2003 c.274 §4; 2007 c.126 §1]

311.815 Abandonment of purpose for which special tax levied; refund or cancellation of tax. If a special tax to raise funds for a specified purpose is levied in a school district, road district, irrigation district or drainage district and the project or specific purpose for which the tax is levied is thereafter definitely abandoned, either wholly or in part, or the fund raised by the tax or any portion thereof remains unexpended for a period of two years, after the levy of the tax, the county court at the written request of the directors of the district may, by resolution, after giving 10 days' previous notice by one publication thereof in a newspaper of general circulation, published in the county, provide for the refunding of the tax or portion of tax so remaining unexpended to the taxpayers who theretofore paid the tax and for the cancellation of the unpaid tax or the like proportion thereof that has become delinquent. The county court shall take such action by resolution spread upon its journal. Repayment shall be made by orders drawn on the county treasurer for the several amounts and issued to the several taxpayers shown by the tax records to have originally made the payments. Cancellation of unpaid taxes shall be effected by noting the cancellation thereof on the tax records of the county.

311.820 [1955 c.759 §§1,2,3,4; repealed by 1965 c.344 §39 (311.821 enacted in lieu of 311.820 and 311.825)]

311.821 Refunds authorized in event of certain boundary changes of taxing districts; reimbursements. (1) Whenever in any year the boundaries of a taxing district have been reduced by proceedings occurring after the date provided in ORS 308.225, and whenever such changes in boundaries were not disregarded by the county assessor as required by ORS 308.225, and as a result thereof taxes have been levied and collected upon the reduced territory of such district, which taxes were not levied and extended upon the territory detached from such district, the county governing body shall refund out of the unsegregated tax collections account to the taxpayers of the territory upon which the levy was imposed and the taxes collected, the proportionate amount of money in excess of the amount that would have been collected from the territory comprising the entire district had the levy been uniform throughout the district. A written claim for refund of such collection shall be filed with the county governing body within six years from the assessment date for the fiscal year for which the taxes were collected.

(2) Whenever in any year the boundaries of a taxing district have been reduced by boundary changes pursuant to law after the date provided in ORS 308.225, and such changes in boundaries have been disregarded by the county assessor as required by ORS 308.225, and as a result thereof taxes were levied upon property within such withdrawn area by such district and also for the same tax year by another taxing district providing the same service or services, subjecting such property to double taxation for any tax year, the county governing body shall refund out

of the unsegregated tax collections account to the taxpayers of the territory upon which the levy was imposed and the tax was collected the proportionate amount of money in excess of the amount that would have been paid by such taxpayers had the withdrawal been recognized by the assessor as effective for the tax year involved; provided, all such property shall remain liable for indebtedness incurred prior to the boundary change as otherwise required by law. A written claim for refund of such tax collection shall be filed with the county governing body within two years from the assessment date for the fiscal year for which the taxes were collected.

(3) If the claim is in proper form, the county governing body shall take action by resolution spread upon its journal, and repayments shall be made by orders drawn on the county treasurer for the several amounts and issued to the several taxpayers shown by the tax records to have made the payments originally.

(4) Immediately upon such reimbursement the tax collector shall make the necessary correcting entries in the records of the office of the tax collector. [1965 c.344 §40 (enacted in lieu of 311.820 and 311.825); 1979 c.702 §3; 1985 c.162 §11]

311.825 [1957 c.335 §§1,2,3; 1961 c.522 §7; repealed by 1965 c.344 §39 (311.821 enacted in lieu of 311.820 and 311.825)]

311.827 [1969 c.605 §57; repealed by 1971 c.529 §37]

311.830 [1957 c.600 §2; repealed by 1965 c.344 §42]

311.835 [1957 c.600 §§3,4; repealed by 1965 c.344 §42]

311.840 [1957 c.600 §§5,6,7; repealed by 1965 c.344 §42]

311.845 [1957 c.600 §8; repealed by 1965 c.344 §42]

PREPAYMENT OF TAXES FOR FACILITIES

311.850 Findings. The Legislative Assembly finds that the construction of a facility may have substantial economic impact upon units of local government obligated to furnish services, buildings or other resources in the area in which the facility is being constructed. The Legislative Assembly further finds that this impact may occur in advance of the time when sufficient real market value occasioned by construction of the facility is added to the assessment and tax roll to bear the facility's portion of the costs of the governmental services, buildings or other resources that the facility's construction necessitates. The purposes of ORS 311.850 to 311.870 is to provide a method for prepaying ad valorem property taxes during the period of planning and construction of the facility, in order that units of local government may provide the services, buildings or other resources necessitated without imposing an undue burden upon other properties subject to taxation within the unit, and to provide for repayment of the amounts prepaid. [1975 c.563 §1; 1991 c.459 §261; 2005 c.94 §66]

311.855 Definitions for ORS 311.850 to 311.870. As used in ORS 311.850 to 311.870, unless the context requires otherwise, "facility" means:

(1) A thermal power plant, as defined in ORS 469.300.

(2) A hydroelectric power project, as described in ORS 543.010.

(3) Any building or improvement that is suitable for use for industrial, commercial, manufacturing or warehousing purposes. [1975 c.563 §2]

311.860 Agreement for prepayment; contents; filing; certificate of payment. (1) Any person proposing to construct a facility who has applied for and obtained the necessary preliminary construction permits or certificates and the governing body of any taxing unit obligated to furnish services, buildings or other resources in the area in which the construction is to take place may enter into an agreement to carry out the purposes of ORS 311.850. An agreement entered into under this section shall contain provisions pertaining to and in accordance with the following:

(a) The payment of moneys to the taxing unit by the person proposing to construct the facility. The person shall make the payment prior to or during the period of the construction.

(b) The amounts of the payments to be made by the person proposing to construct the facility and the dates for making the payments.

(c) A reduction in real market value for the facility for purposes of computing the rate of levy of the taxing unit entering into the agreement for each year of a period of years, not to exceed 10, commencing on or in the course of completion of the construction of the facility. The amount of reduction allowed by the agreement shall be a percentage amount, not to exceed 50 percent, of the real market value of the facility as of any assessment date affected by the reduction, and may be fixed or graduated over the period of years for which the reduction is allowed. The total reduction allowed by the agreement shall result in a tax benefit for the facility that is estimated to be equivalent to the total amount of payments made under the agreement to the taxing unit, plus interest at the maximum rate of eight percent per annum from the date of each payment. In no event, however, shall the total reduction in real market value during the period of years of reduction cause a total reduction in taxes

that exceeds the total amount of moneys previously paid plus interest.

(2) A copy of an agreement entered into under this section shall be filed with the county assessor of each county in which a taxing unit that is a party to the agreement is located.

(3) Prior to April 1 preceding the first tax year for which the exemption granted by ORS 311.865 applies, the governing body of the taxing unit that is a party to the agreement may certify to the county assessor that all payments have been made to the taxing unit in accordance with the terms of the agreement. The county assessor may not grant the exemption for any year unless the county assessor has received such certificate. Review of denial of an exemption under this section shall be as provided by ORS 305.275. [1975 c.563 §3; 1979 c.772 §18; 1991 c.459 §262; 2005 c.94 §67]

311.865 Exemption; amount; termination. There shall be exempt from the levy of the taxing unit that is the party to an agreement entered into under ORS 311.860 for each tax year indicated in the agreement, the percentage amount of real market value, allocable to or within the taxing unit, of the facility specified in the agreement for that tax year. The assessor shall modify the amount of the exemption or terminate the exemption at such time as the assessor determines that the monetary value of the exemption has equaled the amount of moneys paid by the facility under the agreement plus interest. [1975 c.563 §4; 1991 c.459 §263]

311.870 Characterization of prepaid taxes. Moneys received by a taxing unit pursuant to an agreement entered into under ORS 311.850 to 311.870 shall be considered a budget resource and shall not be offset against the levy of the taxing unit. [1975 c.563 §5]

PENALTIES

311.990 Penalties. (1) Violation of ORS 311.270 is a Class B violation, and upon conviction, the court shall impose a fine of not less than $100.

(2) Violation of ORS 311.350 is punishable, upon conviction, by a fine not exceeding $500 or by imprisonment in the county jail not exceeding six months.

(3) Violation of ORS 311.425 (1) is a Class A violation.

(4) If a tax collector fails to comply with any of the provisions of law relating to the receiving and receipting of moneys and warrants collected by the tax collector for taxes, the tax collector commits a Class A violation, and upon conviction thereof, the court shall impose a fine of not less than $100. The court before whom the tax collector is tried shall declare the office of the tax collector vacant for the remainder of the term of the tax collector.

(5) If a tax collector willfully returns as unpaid any tax which has been paid to the tax collector, the tax collector shall be deemed guilty of a misdemeanor and, upon conviction thereof, be punished by a fine not exceeding $500, or by imprisonment not exceeding six months, or both.

(6) If a tax collector or sheriff neglects or refuses to pay over all moneys collected by the tax collector or sheriff for taxes to the county treasurer, or neglects or refuses to make a return of delinquent taxes of the county, or any other return or statement, as required by the laws relating to the collection of property taxes, the tax collector or sheriff shall be liable to be indicted therefor and, upon conviction, be punished by a fine of not less than $100 nor more than $1,000, or by imprisonment not less than six months nor more than six years, or by both.

(7) A person who knowingly makes a false oath under ORS 311.666 to 311.701 is guilty of perjury and shall be punished as provided by ORS 162.085. [Subsection (7) enacted as 1963 c.569 §23; 1971 c.743 §354; 1971 c.747 §19; 1979 c.689 §26; 1999 c.1051 §175]