TITLE 10

PROPERTY RIGHTS AND TRANSACTIONS

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CREATION AND TERMINATION OF TENANCIES

91.010 Tenancy, when deemed to exist. A tenancy is deemed to exist under this chapter and ORS 105.115 and 105.120 when one has let real estate to another to hold of him as a landlord.

91.020 Tenancies classified. Tenancies are as follows: Tenancy at sufferance, tenancy at will, tenancy for years, tenancy from year to year, tenancy from month to month, tenancy by entirety and tenancy for life. The times and conditions of the holdings shall determine the nature and character of the tenancy.

[Amended by 1969 c.591 §273]

Note: The amendment of ORS 91.020 and 91.030 by 1969 c.591 takes effect July 1, 1970.

91.030 Tenancy by entirety or for life. A tenancy by entirety and a tenancy for life shall be such as now fixed and defined by the laws of the State of Oregon.

[Amended by 1969 c.591 §274]

Note: See note under ORS 91.020.

91.040 Tenancy at sufferance. One who comes into possession of the real estate of another lawfully, but who holds over by wrong after the termination of his term, is considered as a tenant at sufferance. No notice is required to terminate a tenancy at sufferance.

91.050 Tenancy at will. One who enters into the possession of real estate with the consent of the owners, under circumstances not showing an intention to create a freehold interest, is considered a tenant at will. When the rent reserved in the lease at will is payable at periods of less than three months, a notice to terminate the tenancy is sufficient if it is equal to the interval between the times of payment of rent. The notice to terminate a tenancy at will is sufficient if given for the prescribed period prior to the expiration of the period for which, by the terms of the lease and holding, rents are to be paid.

91.060 Tenancy from year to year. One who enters into the possession of real estate with the consent of the owner, and no certain time is mentioned, but an annual rent is reserved, is considered a tenant from year to year. A notice to terminate a tenancy from year to year is sufficient if it is given 60 days prior to the expiration of the period for which, by the terms of the lease and holding, rents are to be paid.

91.070 Tenancy from month to month. One who holds the lands or tenements of another, under the demise of the other, and no certain time has been mentioned, but a monthly rental has been reserved, is considered a tenant from month to month. Except as otherwise provided by statute or agreement, such tenancy may only be terminated by either the landlord or tenant giving the other, at any time during the tenancy, not less than 30 days' notice in writing prior to the date designated in the notice for the termination of the tenancy. The tenancy shall terminate on the date designated and without regard to the expiration of the period for which, by the terms of the tenancy and holding, rents are to be paid.

91.080 Termination when expiration of tenancy fixed by terms of lease. A tenant entering into the possession of real estate may, by the terms of his lease, fix the date of expiration of his tenancy, and when so fixed, no notice is required to render the holding of the tenant wrongful and by force after the expiration of his term as fixed by his lease.

91.090 Termination of tenancy by failure to pay rent; reinstatement. The failure of a tenant to pay the rent reserved by the terms of his lease for the period of 10 days, unless a different period is stipulated in the lease, after it becomes due and payable, operates to terminate his tenancy. No notice to quit or pay the rent is required to render the holding of such tenant thereafter wrongful; however, if the landlord, after such default in payment of rent, accepts payment thereof, the lease is reinstated for the full period fixed by its terms, subject to termination by subsequent defaults in payment of rent.

91.100 Waiver of notice. Any person entering into the possession of real estate under written lease, as the tenant of another, may, by the terms of his lease, waive the giving of any notice prescribed by ORS 91.050 to 91.070.

91.110 Notices to be in writing; how served. All notices required by ORS 91.050 to 91.070 and by ORS 105.120, must be in writing and must be served upon the tenant by being delivered to him in person or by being posted in a conspicuous place on the leased premises in case of his absence, or by being left at his residence or place of abode.

RENT

91.210 Rents payable in advance unless otherwise agreed; demand unnecessary. Unless otherwise expressly provided by the lease or terms of holding, all rents reserved under the lease or terms of holding are due and payable in advance. The tenant shall pay or tender payment thereof on or prior to the first day of the rent paying period provided in his lease or by the terms of his holding, and no demand therefor is necessary to render a tenant in default.

91.220 Tenant in possession liable for rent; remedies for recovery. (1) Every person in possession of land out of which any rent is due, whether it was originally demised in fee, or for any other estate of freehold, or for any term of years, is liable for the amount or proportion of rent due from the land in his possession, although it is only a part of what was originally demised.

(2) Such rent may be recovered in an action at law, and the deed of demise, or other instrument in writing, if there is any, showing the provisions of the lease, may be used in evidence by either party to prove the amount due from the defendant.

(3) This section shall not deprive landlords of any other legal remedy for the recovery of their rents, whether secured to them by their leases or provided by law.

EMBLEMENTS

91.310 Farm tenant's right to emblements. When the leasing or occupation is for the purpose of farming or agriculture, the tenant or person in possession shall, after the termination of the lease or occupancy, have free access to the premises to cultivate and harvest or gather any crop or produce of the soil planted or sown by him before the service of notice to quit.

MATTERS RELATING TO GAMBLING LEASES

91.410 Gambling leases prohibited; status of rental contracts; termination; recovery of possession. (1) No person shall let or rent any house, room, shop or other building, or any boat, booth, garden or other place, knowing or having reason to believe it will be used for gambling purposes.

(2) All contracts for the rent of a room, building or place in violation of subsection (1) of this section are void between the parties.

(3) Any person letting or renting any room, building, or place mentioned in subsection (1) of this section which is at any time used by the lessee or occupant thereof, or any other person with his knowledge or consent, for gambling purposes, upon discovery thereof, may avoid and terminate such lease or contract of occupancy, and recover immediate possession of such building or other place by an action at law for that purpose to be brought before any justice of the peace of the county in which the use is permitted.

91.420 Penalty for letting or renting a place for gambling purposes. Violation of subsection (1) of ORS 91.410 results in a forfeiture of twice the amount of the rent of such building or other place for six months to be recovered by action at law instituted by the district attorney in the name of the state.

UNIT OWNERSHIP
(General Provisions)

91.505 Definitions for ORS 91.505 to 91.675. As used in ORS 91.505 to 91.675, unless the context requires otherwise:

(1) "Association of unit owners" means all the unit owners acting as a group in accordance with the declaration and bylaws.

(2) "Building" means a multiple-unit building or single-unit buildings, or any combination thereof, comprising a part of the property.

(3) "Common elements" means the general common elements and the limited common elements.

(4) "Common expenses" means:

(a) Expenses of administration, maintenance, repair or replacement of the common elements;

(b) Expenses agreed upon as common by all the unit owners; and

(c) Expenses declared common by subsection (1) of ORS 91.590 and subsection (2) of ORS 91.595, or by the declaration or the bylaws of the particular condominium.

(5) "Declaration" means the master deed or master lease that is the instrument by which the property is submitted to the provisions of ORS 91.505 to 91.675.

(6) "General common elements," unless otherwise provided in a declaration or by consent of all the unit owners, means:

(a) The land, whether leased or in fee simple, on which a building is located except any portion thereof included in a unit or made a limited common element by the declaration;

(b) The foundations, columns, girders, beams, supports, main walls, roofs, halls, corridors, lobbies, stairs, fire escapes, entrances and exits of a building;

(c) The basements, yards, gardens, parking areas and outside storage spaces;

(d) Installations of central services such as power, light, gas, hot and cold water, heating, refrigeration, air conditioning, waste disposal and incinerating;

(e) The elevators, tanks, pumps, motors, fans, compressors, ducts and in general all apparatus and installations existing for common use;

(f) The premises for the lodging of janitors or caretakers of the property; and

(g) All other elements of a building necessary or convenient to its existence, maintenance and safety, or normally in common use.

(7) "Leasehold" means the interest of a person, firm or corporation who is the lessee under a lease from the owner in fee and who files a declaration submitting his leasehold interest to the provisions of ORS 91.505 to 91.675.

(8) "Limited common elements" means those common elements designated in the declaration or by agreement of all the unit owners, as reserved for the use of a certain unit or number of units, to the exclusion of the other units.

(9) "Majority" or "majority of the unit owners," unless otherwise provided in the declaration, means the owners of more than 50 percent in the aggregate of the undivided ownership interests in the general common elements as the percentage of interest in such element appertaining to each unit is expressed in the declaration. Whenever a percentage of the unit owners is specified, percentage means such percentage in the aggregate of such undivided ownership.

(10) "Manager" means the manager, board of managers or other person in charge of the administration of or managing, the property.

(11) "Property" means the land, whether leasehold or in fee simple, all buildings, improvements and structures thereon, and all easements, rights and appurtenances belonging thereto, which are submitted to the provisions of ORS 91.505 to 91.675.

(12) "Recording officer" means the county officer charged with the duty of filing and recording deeds and mortgages or any other instruments or documents affecting the title to real property.

(13) "Unit" means a part of the property including a building or one or more rooms occupying one or more floors of a building or a part or parts thereof, intended for any type of independent use, and with a direct exit to a public street or highway or to a common area or areas leading to a public street or highway.

(14) "Unit designation" means the number, letter or combination thereof designating a unit in the declaration.

(15) "Unit owner" means the person owning a unit in any real estate tenancy relationship recognized under the laws of this state.

[1963 c.541 §2; 1965 c.430 §1; 1967 c.361 §1]

91.510 Short title. ORS 91.505 to 91.675 may be cited as the Unit Ownership Law.

[1963 c.541 §1]

(Creation of Unit Ownership)

91.525 Property submitted to unit ownership by declaration. (1) In order to submit any property to the provisions of ORS 91.505 to 91.675, the owner thereof shall record a declaration in the office of the recording officer of the county in which such property is located. The declaration shall be executed in accordance with ORS 91.530 and acknowledged by the owner of the property.

(2) A preliminary declaration, setting forth as many of the particulars required by ORS 91.530 as may then be practicable, may be recorded before construction of a building described in the declaration is completed. The preliminary declaration shall not relieve the owner from the necessity of filing the declaration as required by ORS 91.530.

[1963 c.541 §§3, 15]

91.530 Contents of declaration; name of property. (1) A declaration shall contain:

(a) A description of the land, whether leased or in fee simple.

(b) The name by which the property shall be known and a general description of each unit and the building or buildings, in-

cluding the number of stories and basements of each building, the number of units and the principal materials of which they are constructed.

(c) The unit designation, location, approximate area of each unit and any other data necessary for proper identification.

(d) A description of the general common elements and the percentage of the interest of each unit owner therein.

(e) A description of the limited common elements, if any, stating to which units their use is reserved and in what percentage.

(f) A statement of the use for which the building or buildings and each of the units is intended.

(g) The name of a person to receive service of process in the cases provided in subsection (1) of ORS 91.635, and the residence or place of business of such person which shall be within the county in which the property is located.

(h) Any other details regarding the property that the person executing the declaration considers desirable.

(2) No property shall bear a name using a word which is the same as, similar to or pronounced the same as, a word in the name of any other property or subdivision in the same county, except for the words "apartment," "motel," "building," "court," "place," or similar words.
[1963 c.541 §§14, 16; 1965 c.430 §2]

91.535 Approval of declaration. Before a declaration may be recorded, it must be approved by the county assessor and the tax collector of the county in which the property is located. No declaration shall be approved unless:

(1) The name is proper so as to comply with subsection (2) of ORS 91.530; and

(2) All taxes and assessments due and payable have been paid.
[1963 c.541 §17]

91.540 Recording declaration and floor plans. (1) When a declaration is made and approved as required, it shall, upon the payment of the fees provided by law, be recorded by the recording officer. The fact of recording and the date thereof shall be entered thereon. At the time of recording a declaration, the person offering it for record shall also file an exact copy, certified by the recording officer to be a true copy thereof, with the county assessor.

(2) Floor plans of a building described in a declaration shall be recorded simultaneously with the declaration. The floor plans shall show the layout of each unit in a building including the unit designation, location and dimensions of each unit and the common elements to which each has access. There shall be attached to the floor plans a statement of the registered architect or registered professional engineer who prepared the floor plans certifying that the plans fully and accurately depict the layout of the units and floors of the building, and the date construction of the building was completed.
[1963 c.541 §§18, 19]

(Management of Property; Encumbrances; Conveyances)

91.555 Adoption of bylaws; recording; amendment. (1) The unit owners of each property shall adopt bylaws to govern the administration of the property.

(2) A copy of the bylaws, certified by the chairman and secretary of the association, shall be recorded simultaneously with the declaration of the property to which the bylaws relate.

(3) An amendment of the bylaws shall not be effective unless approved by 75 percent of the unit owners and until a copy of the bylaws as amended, certified by the chairman and secretary of the association of unit owners, is recorded.
[1963 c.541 §20]

91.560 Contents of bylaws. The bylaws shall provide for:

(1) The election from among the unit owners of a board of directors, the number of persons constituting the board, and that the terms of at least one-third of the directors shall expire annually; the powers and duties of the board; the compensation, if any, of the directors; the method of removal from office of directors; and whether or not the board may engage the services of a manager or managing agent.

(2) The method of calling meetings of the unit owners and the percentage, if other than a majority as defined by subsection (9) of ORS 91.505, that shall constitute a quorum.

(3) The election of a chairman, a secretary and a treasurer.

(4) The maintenance, upkeep and repair of the common elements and payment for the

expense thereof including the method of approving payment vouchers.

(5) The employment of personnel necessary for the maintenance, upkeep and repair of the common elements.

(6) The manner of collecting from the unit owners their share of the common expenses.

(7) The method of adopting and of amending administrative rules and regulations governing the details of the operation and use of the common elements.

(8) Such restrictions on and requirements respecting the use and maintenance of the units and the use of the common elements, not included in the declaration, as are designed to prevent unreasonable interference with the use of their respective units and of the common elements by the several unit owners.

(9) The method of amending the bylaws subject to subsection (3) of ORS 91.555.
[1963 c.541 §21]

91.565 Unit deeds. The deed of a unit shall contain:

(1) A description of the land, the name of the property, and the recording index numbers and date of recording of the declaration.

(2) The unit designation of the unit.

(3) The use for which the unit is intended.

(4) The percentages of undivided interest in the common elements appertaining to the unit.

(5) Any further details the grantor and grantee may consider desirable.
[1963 c.541 §22]

91.570 Removal of unit from blanket mortgage. At the time of the first conveyance of each unit following the recording of the declaration, every mortgage and other lien affecting such unit including the undivided interest of the unit in the common elements, shall be paid and satisfied of record, or the unit being conveyed and its interest in the common elements shall be released therefrom by partial release duly recorded.
[1963 c.541 §23]

91.575 Liens against property; removal from lien; effect of part payment. (1) Subsequent to recording a declaration and while the property remains subject to ORS 91.505 to 91.675, no lien shall arise or be effective against the property. During such period liens or encumbrances shall arise or be created only against each unit and the undivided interest in the common elements appertaining thereto, in the same manner and under the same conditions as liens or encumbrances may arise or be created upon or against any other separate parcel of real property subject to individual ownership.

(2) No labor performed or materials furnished with the consent or at the request of a unit owner, his agent, contractor or subcontractor, shall be the basis for the filing of a mechanic's or materialman's lien against the unit of any other unit owner not consenting to or requesting the labor to be performed or the materials to be furnished, except that consent shall be considered given by the owner of any unit in the case of emergency repairs thereto performed or furnished with the consent or at the request of the manager.

(3) If a lien becomes effective against two or more units, the owner of each unit subject to such a lien shall have the right to have his unit released from the lien by payment of the amount of the lien attributable to his unit. The amount of the lien attributable to a unit and the payment required to satisfy such a lien, in the absence of agreement, shall be determined by application of the percentage established in the declaration. Such partial payment, satisfaction or discharge shall not prevent the lienor from proceeding to enforce his rights against any unit and the undivided interest in the common elements appertaining thereto not so released by payment, satisfaction or discharge.
[1963 c.541 §24]

91.580 Lien of association against unit; recording; foreclosure. (1) Whenever an association of unit owners, acting through its manager, furnishes to a unit any services, labor or material lawfully chargeable as common expenses, the association of unit owners, upon complying with subsection (2) of this section, shall have a lien upon the individual unit and the undivided interest in the common elements appertaining to such unit for the reasonable value of such common expenses, and the lien shall be prior to all other liens or encumbrances upon the unit except:

(a) Tax and assessment liens, and

(b) A first mortgage or trust deed of record.

(2) An association of unit owners claiming the benefits of subsection (1) of this section shall record in the county in which the unit or some part thereof is located a claim containing a true statement of the account due for such common expenses after deducting all just credits and offsets; the name of the owner of the unit, or reputed owner, if known; a description of the property where the common expenses were furnished and the designation of the unit, sufficient for identification.

(3) The claim shall be verified by the oath of some person having knowledge of the facts and shall be filed with and recorded by the recording officer in the book kept for the purpose of recording liens filed under ORS 87.035. The record shall be indexed as deeds and other conveyances are required by law to be indexed.

(4) The proceedings to foreclose liens created by this section shall conform as nearly as possible to the proceedings to foreclose liens created by ORS 87.010. The lien may be enforced by the manager acting on behalf of the association of unit owners. An action to recover a money judgment for unpaid common expenses may be maintained without foreclosing or waiving the lien securing the claim for common expenses.
[1963 c.541 §§26, 27]

91.585 Receiver for unit; power of property manager to bid at foreclosure sale. In any foreclosure suit against a unit, the unit owner shall be required to pay a reasonable rental for the unit, if so provided in the bylaws, and the plaintiff in such foreclosure shall be entitled to the appointment of a receiver to collect the rent. The manager, acting on behalf of the unit owners, shall have power, unless prohibited by the declaration, to bid in the unit at the foreclosure sale, and to acquire and hold, lease, mortgage and convey the same.
[1963 c.541 §28]

91.590 Liability for unpaid share of common expenses. (1) Where the purchaser of a unit obtains title to the unit as a result of foreclosure of the first mortgage or trust deed, such purchaser, his successors and assigns, shall not be liable for any of the common expenses chargeable to such unit which became due prior to the acquisition of title to such unit by such purchaser. Such unpaid share of common expenses shall be a common expense of all the unit owners including such purchaser, his successors and assigns.

(2) In a voluntary conveyance of a unit, the grantee shall be jointly and severally liable with the grantor for all unpaid charges against the latter for his proportionate share of the common expenses up to the time of the grant or conveyance, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee therefor. However, upon request of a prospective purchaser the manager shall make and deliver a statement of the unpaid charges against the prospective grantor, and the grantee in that case shall not be liable for, nor shall the unit when conveyed be subject to, a lien filed thereafter for any unpaid charges against the grantor in excess of the amount therein set forth.
[1963 c.541 §§29, 30]

91.595 Records of receipts and expenditures affecting common elements; insurance. (1) The manager shall keep detailed, accurate records in chronological order, of the receipts and expenditures affecting the common elements, itemizing the maintenance and repair expenses of the common elements and any other expenses incurred. Such records and the vouchers authorizing the payments shall be available for examination by the unit owners at convenient hours of week days.

(2) The manager, as trustee for the unit owners, shall, if required by the declaration, the bylaws or by a majority of the unit owners, insure the building against loss or damage by fire and such other hazards as shall be required, without prejudice to the right of each unit owner to insure his own unit for his own benefit. The premiums for such insurance on the building are common expenses.
[1963 c.541 §§25, 31]

(Attributes and Duties of Ownership)

91.605 Status and ownership of units. (1) While the property is submitted to the provisions of ORS 91.505 to 91.675, a unit may be individually conveyed and encumbered and may be the subject of ownership, possession or sale and of all types of juridic acts inter vivos or mortis causa, as if it were sole and entirely independent of the other units of which they form a part, and the corresponding individual titles and interests shall be recordable.

(2) Each unit owner shall be entitled to the exclusive ownership and possession of his unit.
[1963 c.541 §§4, 5]

91.610 Interest of unit owners in common elements. (1) Each unit owner shall be entitled to an undivided interest in the common elements in the percentage expressed in the declaration. Such percentage shall be in the approximate relation that the value of the unit at the date of the declaration bears to the then combined value of all the units having an interest in the particular common elements. Value need not conform to market value. The percentage of undivided interest of each unit owner in the common elements as expressed in a declaration shall not be altered unless all unit owners having an interest in the particular common element agree thereto and record an amendment to the declaration setting forth the altered percentage of each unit owner having an interest.

(2) The undivided interest in the common elements shall not be separated from the unit to which it appertains and shall be conveyed or encumbered with the unit even though such interest is not expressly mentioned or described in the conveyance or other instrument.

(3) The common elements shall remain undivided and no unit owner shall bring any action for partition or division of any part thereof, except as provided in ORS 91.670. Any covenant to the contrary is void.
[1963 c.541 §§6, 7]

91.615 Apportionment of common profits and expenses; liability of unit owner. (1) The common profits of the property shall be distributed among, and the common expenses shall be charged to, the unit owners according to the percentage of undivided interest of each in the common elements.

(2) No unit owner may exempt himself from liability for his contribution towards the common expenses by waiver of the use or enjoyment of any of the common elements or by abandonment of his unit.
[1963 c.541 §§8, 12]

91.620 Maintenance and improvement of units. A unit owner shall make no repair or alteration or perform any other work on his unit which would jeopardize the soundness or safety of the property, reduce the value thereof or impair any easement or hereditament unless the consent of all the other unit owners affected is first obtained.
[1963 c.541 §9]

91.625 Use and maintenance of common elements. (1) Each unit owner may use the common elements in accordance with the purposes for which they are intended, but may not hinder or encroach upon the lawful rights of the other unit owners.

(2) The necessary work of maintenance, repair and replacement of the common elements and additions or improvements to the common elements shall be carried out only as provided in the bylaws.

(3) The association of unit owners shall have the right, to be exercised by the manager, to have access to each unit as may be necessary for the maintenance, repair or replacement of the common elements, or to make emergency repairs therein necessary for the public safety or to prevent damage to the common elements or to another unit.
[1963 c.541 §§10, 11]

91.630 Compliance with bylaws and other restrictions. Each unit owner shall comply with the bylaws and with the administrative rules and regulations adopted pursuant thereto, and with the covenants, conditions and restrictions in the declaration or in the deed to his unit. Failure to comply therewith shall be grounds for an action maintainable by the association of unit owners or by an aggrieved unit owner.
[1963 c.541 §13]

91.635 Actions by and against unit owners. (1) Actions may be brought on behalf of two or more of the unit owners, as their respective interests may appear, by the manager with respect to any cause of action relating to the common elements or more than one unit. Service of process on two or more unit owners, in any action relating to the common elements or more than one unit, may be made on the person designated in the declaration to receive service of process or in duplicate on the recording officer of the county in which the declaration is filed. The recording officer shall promptly send a copy of the document served by certified or registered mail to the person designated in the declaration to receive service of process. At the time of service on the recording officer, the serving party shall pay to the recording officer a fee of $10, which shall be a taxable disbursement.

(2) If the association of unit owners wishes to designate a person other than the one named in the declaration to receive service of process in the cases provided in subsection (1) of this section, it shall record an amendment to the declaration. The amendment shall be certified by the chairman and the secretary of the association of unit owners, and shall state the name of the successor with his residence or place of business as required by paragraph (g) of subsection (1) of ORS 91.530, and that the person named in the amendment was designated by resolution duly adopted by the association of unit owners.

[1963 c.541 §§38, 39]

91.640 Taxation of units; exemptions; uniform appraisal and assessment. (1) Each unit with its percentage of undivided interest in the common elements shall be considered a parcel of real property, whether leased or in fee simple, subject to separate assessment and taxation by any taxing unit in like manner as other parcels of real property. A unit based upon a declaration filed by the owner of a leasehold estate shall be assessed in the name of the unit owner and not in the name of the owner of the fee or of the leasehold estate upon which the declaration is based. Neither the building, the property nor any of the common elements shall be considered a separate parcel for purposes of taxation.

(2) In determining the true cash value of a unit with its undivided interest in the common elements, the county assessor may use the percentage of undivided interest in the common elements appertaining to a unit as expressed in the declaration. Determination of true cash value of a unit based upon a leasehold estate shall be the same as a unit in fee simple. There shall be no diminution of value by reason of the term of said lease.

(3) Exemptions from executions and real property taxes apply to the owner of each unit or to the individual units, as the case may be.

(4) The Department of Revenue shall have the authority to make rules and regulations prescribing methods best calculated to secure uniformity according to law in the appraisal and assessment of units constituting part of a property submitted to the provisions of ORS 91.505 to 91.675.

[1963 c.541 §§40 41, 42; 1967 c.361 §2]

(Removal of Property from Unit Ownership)

91.655 Removal by unit owners; consent of lienholders. (1) All of the unit owners may remove a property from the provisions of ORS 91.505 to 91.675 by executing and recording an instrument to that effect if the holders of all liens affecting any of the units consent thereto or agree, in either case by instruments duly recorded, that their liens be transferred to the undivided interest of the unit owner in the property after removal from the provisions of ORS 91.505 to 91.675.

(2) The tax collector for any taxing unit having a lien for taxes or assessments shall have authority to consent to such a transfer of any tax or assessment lien.

[1963 c.541 §32]

91.660 Agreement by unit owners that property is obsolete; damage or destruction. (1) Ninety percent of the unit owners may agree that the property is obsolete in whole or in part and whether or not it shall be renewed and restored or sold and the proceeds of sale distributed. If 90 percent of the unit owners agree to renew and restore the property, the expense thereof shall be paid by all the unit owners as common expenses. If 90 percent of the unit owners agree to sell the property, the property shall be considered removed from the provisions of ORS 91.505 to 91.675.

(2) If within 60 days after the date of the damage to or destruction of all or part of the property, the association of unit owners does not decide to repair, reconstruct or rebuild, the property shall be considered removed from the provisions of ORS 91.505 to 91.675.

[1963 c.541 §§33, 34]

91.665 Common ownership of property removed from unit ownership. If the property is removed from the provisions of ORS 91.505 to 91.675, as provided by ORS 91.655 and 91.660, the property shall be considered owned in common by all the unit owners. The percentage of undivided interest of each unit owner in the property owned in common shall be the same as the percentage of undivided interest previously owned by such owner in the common elements. Liens affecting any unit shall be liens, in accordance with the then existing priorities, against the undivided interest of the unit owner in the property owned in common.

[1963 c.541 §35]

91.670 Action for partition; division of sale proceeds. If the property is removed from the provisions of ORS 91.505 to 91.675, as provided in ORS 91.655 and 91.660, it shall be subject to an action for partition at the suit of any unit owner. The net proceeds of sale, together with the net proceeds of the insurance on the property, if any, shall be considered as one fund and shall be divided among the unit owners in proportion to their respective undivided interests after first paying out of the respective shares of the unit owners, to the extent sufficient for the purpose, all liens on the undivided interest in the property owned by each unit owner.
[1963 c.541 §36]

91.675 Removal no bar to resubmission. The removal of the property from the provisions of ORS 91.505 to 91.675 shall in no way bar its resubmission.
[1963 c.541 §37]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Robert W. Lundy, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on December 1, 1969.

Robert W. Lundy
Legislative Counsel