Chapter 95

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Fraudulent Conveyances

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95.010 Definitions. As used in this chapter:

(1) "Lands" includes tenements and hereditaments.

(2) "Estate and interest in lands" includes every interest, freehold and chattel, legal and equitable, present and future, vested and contingent, in lands.

(3) "Conveyance" includes every instrument in writing, by which any estate or interest in lands is created, aliened, assigned or surrendered, except a will.

95.020 Conveyances of realty to defraud purchasers. Every conveyance or interest in lands, or the rents or profits of lands and every charge upon lands or upon the rents and profits thereof made or created with the intent to defraud prior or subsequent purchasers for a valuable consideration of the same lands, rents or profits, is void as against such purchasers. However, no such conveyance or charge shall be deemed fraudulent in favor of a subsequent purchaser who had actual or legal notice thereof at the time of his purchase unless it appears that the grantee in such conveyance or the person to be benefited by such charge was privy to the fraud intended.

95.030 Reservation by grantor of power of revocation. Every conveyance of or charge upon any estate or interest in lands containing any provision for the revocation, determination or alteration of the estate or interest, or any part thereof, at the will of the grantor is void as against subsequent purchasers from the grantor for a valuable consideration of any estate or interest so liable to be revoked, determined or altered although it is not expressly revoked, determined or altered by the grantor by virtue of the power reserved or expressed in such prior conveyance or charge.

95.040 Grant of power to revoke conveyance; rights of purchaser from grantee. Where a power to revoke the conveyance of any lands or the rents and profits thereof and to reconvey the same is given to any person other than the grantor in such conveyance, and such person thereafter conveys the lands or rents and profits to a purchaser for a valuable consideration, such subsequent conveyance is valid in the same manner and to the same extent as if the power of revocation were recited therein and the intent to revoke the former conveyance expressly declared.

95.050 Conveyance prior to exercise of power of revocation. If a conveyance to a purchaser under ORS 95.030 or 95.040 is made before the person making it is entitled to execute his power of revocation, it shall nevertheless be valid from the time the power of revocation actually vests in such person in the same manner and to the same extent as if then made.

95.060 Gifts and transfers in trust for transferor. All deeds of gift, all conveyances and all verbal or written transfers or assignments of goods, chattels or things in action made in trust for the person making the same, are void as against the creditors, existing or subsequent, of such person.

95.070 Conveyance, transfer or device to defraud, hinder or delay creditors. Every conveyance or assignment in writing or otherwise of any estate or interest in lands, goods or things in action, or of any rents or profits issuing therefrom, and every charge upon lands, goods or things in action, or upon the rents or profits thereof, made with the intent to hinder, delay or defraud creditors or other persons of their lawful suits, damages, forfeitures, debts or demands, and every bond or other evidence of debt given, suit commenced, decree or judgment suffered with the like intent, as against the person so hindered, delayed or defrauded is void.

95.080 Heirs, representatives and assigns of creditors, purchasers or mortgagees as having right to assert invalidity of transaction. Every conveyance, charge, instrument or proceeding declared by law to be void as against creditors, purchasers or mortgagees is also void as against the heirs, successors, personal representatives or assigns of such creditors, purchasers or mortgagees.

95.090 Fraudulent intent as question of fact. The question of fraudulent intent in all cases arising under the provisions of this chapter is one of fact and not of law.

95.100 Purchasers for value without notice are not affected by this chapter. The provisions of this chapter do not in any manner affect or impair the title of a purchaser for a valuable consideration unless it appears that such purchaser had previous notice of the fraudulent intent of his immediate grantor or of the fraud rendering void the title of such grantor.