

**New Condominium Filing Requirements September 27, 2007  
Based on HB 2665, HB2666 and HB 2723**

This document and HB 2665, HB 2666, HB 2723 and HB 3186 may be found on the Oregon Real Estate Agency website: { [HYPERLINK "http://www.rea.state.or.us"](http://www.rea.state.or.us) } . Click on "Statutes and Rules" on the left side of the page.

HB 2665, HB 2666 and HB 2723 are effective September 27, 2007. All condominium documents (including the declaration, bylaws, disclosure statement and unit sales agreement), reviewed, approved and recorded on or after September 27, 2007 must comply with the new statutory provisions.

**IMPORTANT NOTICE**

HB 3186, effective January 1, 2008, significantly changes ORS Chapter 100. The bill changes the requirements for notices to tenants in condominium conversions. Please review this bill carefully. Condominium filings must comply with the new statutory provisions.

**Background**

**HB 2665 and HB 2666.** HB 2665 and HB 2666 amended and added certain provisions to the Condominium Act, ORS Chapter 100. *(Note that these bills also amended and added certain provisions to Real Property Development (Planned Communities, etc.) under ORS Chapter 94.)* Provisions relating to Chapter 100 are set out below. Attorneys filing documents should carefully review the specific language in these bills. **The information below is provided only as a guide and should not be relied upon in lieu of the statutory requirements.**

**HB 2723.** This bill amends ORS 93.040, which requires certain language to be inserted in all owner's sale agreements and earnest money receipts. Therefore, it must be included in all unit sales agreements. There is also language in the bill that is required for in all instruments contracting to convey fee title to real property that must be in deeds.

**Provisions required in Condominium Declaration, Bylaws and Disclosure Statements HB 2665 and HB 2666**

**Disclosure Statement**

**1. Maintenance Plans HB 2665** Amending ORS 100.175. Section 23, HB 2665

Declarant must: 1) conduct an initial reserve study; 2) prepare an initial maintenance plan; and 3) establish a reserve account.

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| <ul style="list-style-type: none"><li>• Maintenance plan is a separate document from a reserve study, with separate requirements</li><li>• Maintenance plan shall:<ol style="list-style-type: none"><li>1) describe the maintenance, repair and replacement to be conducted;</li><li>2) include the schedule for the maintenance, repair and replacement;</li><li>3) be appropriate for the size/complexity;</li><li>4) address issued for all items for which the association has responsibility;</li><li>5) be reviewed/updated by the board as necessary.</li></ol></li></ul> |
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**2. Reserve Study. HB 2665** Amending ORS 100.175. Section 23, HB 2665.

Declarant must: 1) conduct an initial reserve study; 2) prepare an initial maintenance plan; and 3) establish a reserve account.

	<ul style="list-style-type: none"> <li>The reserve account must include “major maintenance and repair” in addition to replacement of common elements.</li> </ul>
	<ul style="list-style-type: none"> <li>The time period for calculating reserves is <u>one</u> to thirty years. <i>Previous requirement was three to thirty years.</i></li> </ul>
	<ul style="list-style-type: none"> <li>The reserve assessment accrues from the time of conveyance of the first individual unit assessed as provided in ORS 100.530.</li> </ul>
	<ul style="list-style-type: none"> <li>Reserve study required for more than two units <u>or</u> to flexible or staged condominiums that may contain more than two units</li> </ul>

**3. Association budget HB 2665** Amending ORS 100.412. Section 26a of HB 2665.

	<ul style="list-style-type: none"> <li>Budget shall include moneys required to be allocated to the reserve account under ORS 100.175</li> </ul>
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**4. New Definitions (may be in disclosure statement)**

**HB 2666** Amending ORS 100.005 Section 5 of HB 2666.

	<ul style="list-style-type: none"> <li>Definition for “general common element” 100.105(b) The foundations, columns, girders, beams, supports, bearing and shear walls, <b>windows, except glazing and screening, unit access doors, except glazing and screening</b>, roofs, halls, corridors, lobbies, stairs, fire escapes, entrances and exits of a building;</li> </ul>
	<ul style="list-style-type: none"> <li><u>New language.</u> Definition for “mortgagee”: 100.005 (19) <b>“Mortgagee” means any person who is:</b> <ul style="list-style-type: none"> <li>(a) <b>A mortgagee under a mortgage;</b></li> <li>(b) <b>A beneficiary under a trust deed; or</b></li> <li>(c) <b>The vendor under a land sale contract.</b></li> </ul> </li> </ul>

**5. Square footage in declaration that may be used in disclosure statement**

**HB 2666** Amending ORS 100.105 Section 8 of HB 2666.

	<ul style="list-style-type: none"> <li>New language in 100.105(1): * * * A declaration shall contain: (e) <b>A notice in substantially the following form in at least 12-point type that is either all capitals or boldface:</b></li> </ul>
<p><b>NOTICE</b></p> <p><b>THE SQUARE FOOTAGE AREAS STATED IN THIS DECLARATION AND THE PLAT ARE BASED ON THE BOUNDARIES OF THE UNITS AS DESCRIBED IN THIS DECLARATION AND MAY VARY FROM THE AREA OF UNITS CALCULATED FOR OTHER PURPOSES.</b></p>	

**6. “Dwelling Unit” and “Tenant” HB 2666** New language. Section 10 of HB 2666.

	<ul style="list-style-type: none"> <li>Note: these definitions do not have to be stated in the disclosure statement or unit sales agreement; however, it is important to understand the definitions set out in ORS 90.100 when using these terms in conversion condominiums.</li> </ul>
	<ul style="list-style-type: none"> <li>New language in Chapter 100: <b>As used in ORS 100.305 to 100.320, “dwelling unit” and “tenant” have the meanings given those terms in ORS 90.100.</b></li> </ul>

**7. Association of Condominium with more than 4 units must be incorporated**

**HB 2666** Amending ORS 100.405 Section 11 of HB 2666.

	<ul style="list-style-type: none"> <li>The association <b>of a condominium created on or after the effective date of this 2007 Act</b> shall be organized as a corporation for profit or nonprofit corporation or, <b>if the condominium consists of not more than four units, excluding units used for parking, storage or other use</b></li> </ul>
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	ancillary to a unit, as an unincorporated association. If the association is incorporated, the name of the association shall include the complete name of the condominium
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## Declaration

### 1. New Definitions HB 2666 Amending ORS 100.005 Section 5 of HB 2666.

	<ul style="list-style-type: none"> <li>• Definition for “general common element” 100.105(b) The foundations, columns, girders, beams, supports, bearing and shear walls, <b>windows, except glazing and screening, unit access doors, except glazing and screening,</b> roofs, halls, corridors, lobbies, stairs, fire escapes, entrances and exits of a building;</li> </ul>
	<ul style="list-style-type: none"> <li>• <u>New language.</u> Definition for “mortgagee”: 100.005 (19) <b>“Mortgagee” means any person who is:</b> <ul style="list-style-type: none"> <li>(a) <b>A mortgagee under a mortgage;</b></li> <li>(b) <b>A beneficiary under a trust deed; or</b></li> <li>(c) <b>The vendor under a land sale contract.</b></li> </ul> </li> </ul>

### 2. Declaration Amendments

HB 2666 Amending ORS 100.102 Section 7 of HB 2666.

	<ul style="list-style-type: none"> <li>• New language in 100.102(2): * * * The amendment must (e) Be approved by at least 75 percent of the unit owners [<i>or, if a larger percentage is specified in the declaration to effect amendments to the declaration, the larger percentage</i>], <b>notwithstanding that the declaration may require approval by a larger percentage of owners or the consent of another person to amend the declaration;</b></li> </ul>
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### 3. Declaration Requirements

HB 2666 Amending ORS 100.105 Section 8 of HB 2666

	<ul style="list-style-type: none"> <li>• New language in 100.105(1): * * * A declaration shall contain: <b>(e) A notice in substantially the following form in at least 12-point type that is either all capitals or boldface:</b></li> </ul>
<p><b>NOTICE</b></p> <p><b>THE SQUARE FOOTAGE AREAS STATED IN THIS DECLARATION AND THE PLAT ARE BASED ON THE BOUNDARIES OF THE UNITS AS DESCRIBED IN THIS DECLARATION AND MAY VARY FROM THE AREA OF UNITS CALCULATED FOR OTHER PURPOSES.</b></p>	

### 4. “Dwelling Unit” and “Tenant”

HB 2666 New language. Section 10 of HB 2666.

	<ul style="list-style-type: none"> <li>• New language in Chapter 100: <b>As used in ORS 100.305 to 100.320, “dwelling unit” and “tenant” have the meanings given those terms in ORS 90.100.</b></li> </ul>
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### 5. Association of Condominium with more than 4 units must be incorporated

HB 2666 Amending ORS 100.405 Section 11 of HB 2666.

	<ul style="list-style-type: none"> <li>• <i>Note: Condominium filers must provide documents showing that the association has been incorporated before the Agency will approve a final declaration and bylaws.</i></li> </ul>
	<ul style="list-style-type: none"> <li>• The association of a condominium created on or after the effective date of this 2007 Act shall be organized as a corporation for profit or nonprofit corporation or, <b>if the condominium consists of not more than four units, excluding units used for parking, storage or other use ancillary to a unit,</b> as an unincorporated association. If the association is incorporated, the name of the association shall include the complete name of the condominium</li> </ul>

## 6. Declaration, Boundaries of Units

HB 2666 Amending ORS 100.510 Section 14 of HB 2666.

	<ul style="list-style-type: none"><li>• New language in 100.510:<ul style="list-style-type: none"><li>(1) Unless otherwise provided in the declaration, <i>[if the declaration designates]</i> <b>the</b> walls, floors <i>[or]</i> <b>and</b> ceilings <i>[as]</i> <b>are the</b> boundaries of a unit[:]. <i>[(1)]</i></li><li>(2) All lath, furring, wallboard, plaster-board, plaster, paneling, tiles, wallpaper, paint, finished flooring and any other materials constituting any part of the finished surfaces thereof shall be a part of the unit except those portions of the walls, floors or ceilings that materially contribute to the structural or shear capacity of the condominium. All other portions of the walls, floors or ceilings shall be a part of the common elements. <i>[(2)]</i></li><li>(3) The following shall be a part of the unit:<ul style="list-style-type: none"><li>(a) All spaces, nonbearing interior partitions, <i>[windows, window frames, exterior]</i> <b>interior</b> doors[, <i>door frames</i>] and all other fixtures and improvements within the boundaries of the unit; <i>[and]</i></li><li>(b) <b>The glazing and screening of windows and unit access doors; and</b> <i>[(b)]</i></li><li>(c) All outlets of utility service lines, including but not limited to power, light, gas, hot and cold water, heating, refrigeration, air conditioning and waste disposal within the boundaries of the unit.</li></ul></li></ul></li></ul>
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## 7. Maintenance, Repair Replacement of Unit

Amending ORS 100.535 Section 15 of HB 2666.

	<ul style="list-style-type: none"><li>• New language in 100.535: <b>(7) Unless otherwise provided in the declaration or bylaws, a unit owner is responsible for the maintenance, repair and replacement of the unit.</b></li></ul>
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## 8. Maintenance, Repair Replacement of Common Elements

HB 2666 Amending ORS 100.540 Section 16 of HB 2666.

	<ul style="list-style-type: none"><li>• New language in 100.540: <b>(2) Unless otherwise provided in the declaration or bylaws:</b><ul style="list-style-type: none"><li>(a) <b>The responsibility for maintenance, repair and replacement of the common elements is the responsibility of the association of unit owners; and</b></li><li>(b) <b>The cost of maintenance, repair and replacement is a common expense of the association.</b></li></ul></li></ul>
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## Bylaws

### 1. Maintenance Plans HB 2665 Amending ORS 100.175. Section 23, HB 2665

Declarant must: 1) conduct an initial reserve study; 2) prepare an initial maintenance plan; and 3) establish a reserve account.

	<ul style="list-style-type: none"><li>• Maintenance plan is a separate document from a reserve study, with separate requirements</li><li>• Maintenance plan shall:<ul style="list-style-type: none"><li>1) describe the maintenance, repair and replacement to be conducted; 2) include the schedule for the maintenance, repair and replacement; 3) be appropriate for the size/complexity; 4) address issued for all items for which the association has responsibility; 5) be reviewed/updated by the board as necessary.</li></ul></li></ul>
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**2. Reserve Study. HB 2665** Amending ORS 100.175. Section 23, HB 2665.

Declarant must: 1) conduct an initial reserve study; 2) prepare an initial maintenance plan; and 3) establish a reserve account.

	<ul style="list-style-type: none"><li>• The reserve account must include “major maintenance and repair” in addition to replacement of common elements.</li></ul>
	<ul style="list-style-type: none"><li>• The time period for calculating reserves is <u>one</u> to thirty years. <i>Previous requirement was three to thirty years.</i></li></ul>
	<ul style="list-style-type: none"><li>• The reserve assessment accrues from the time of conveyance of the first individual unit assessed as provided in ORS 100.530.</li></ul>
	<ul style="list-style-type: none"><li>• Reserve study required for more than two units <u>or</u> to flexible or staged condominiums that may contain more than two units</li></ul>

**3. Turnover Meetings**

**HB 2665** Amending ORS 100.210. Section 24, HB 2665.

	<ul style="list-style-type: none"><li>• 100.210 (4) At the turnover meeting: * * * (b) <b>If a quorum of the unit owners is present</b>, the unit owners shall elect [a] <b>not fewer than the number of directors sufficient to constitute a quorum of the board</b> of directors in accordance with the <b>declaration or</b> bylaws of the condominium; * * *</li></ul>
	<ul style="list-style-type: none"><li>• Declarant must turnover the maintenance plan at the turnover meeting.</li></ul>
	<ul style="list-style-type: none"><li>• See new provisions in 100.210(7) and (8): election of board members and quorum at turnover meeting.</li></ul>

**4. Association Meetings**

**HB 2665** Amending ORS 100.407. Section 25, HB 2665.

	<ul style="list-style-type: none"><li>• If the unit owners request a special meeting and the association does not give notice of the special meeting within thirty (30) days after the written request is delivered to the chairperson or secretary, any one of the unit owners who signed the request may set the time and place of the meeting and give notice thereof.</li></ul>
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**5. Association budget HB 2665** Amending ORS 100.412. Section 26a of HB 2665.

	<ul style="list-style-type: none"><li>• Budget shall include moneys required to be allocated to the reserve account under ORS 100.175</li></ul>
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**6. Bylaws Requirements**

**HB 2665** Amending ORS 100.415. Section 30 of HB 2665.

	<ul style="list-style-type: none"><li>• Bylaws must include the responsibility for payment of the amount of the deductible in an association’s insurance policy, or state that the responsibility for payment and the amount of the deductible may be prescribed by resolution adopted by the board of directors.</li></ul>
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**7. New Definitions (may be in bylaws or used in bylaws)**

**HB 2666** Amending ORS 100.005 Section 5 of HB 2666.

	<ul style="list-style-type: none"><li>• Definition for “general common element” 100.105(b) The foundations, columns, girders, beams, supports, bearing and shear walls, <b>windows, except glazing and screening, unit access doors, except glazing and screening</b>, roofs, halls, corridors, lobbies, stairs, fire escapes, entrances and exits of a building;</li></ul>
	<ul style="list-style-type: none"><li>• <u>New language.</u> Definition for “mortgagee”: 100.005 (19) <b>“Mortgagee” means any person who is:</b> <b>(a) A mortgagee under a mortgage;</b> <b>(b) A beneficiary under a trust deed; or</b> <b>(c) The vendor under a land sale contract.</b></li></ul>

**8. “ Dwelling Unit” and “Tenant”** HB 2666 New language. Section 10 of HB 2666.

	<ul style="list-style-type: none"> <li>• New language in Chapter 100: <b>As used in ORS 100.305 to 100.320, “dwelling unit” and “tenant” have the meanings given those terms in ORS 90.100.</b></li> </ul>
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**9. Association of Condominium with more than 4 units must be incorporated**

HB 2666 Amending ORS 100.405 Section 11 of HB 2666.

	<ul style="list-style-type: none"> <li>• <i>Note: Condominium filers must provide documents showing that the association has been incorporated before the Agency will approve a final declaration and bylaws.</i></li> </ul>
	<ul style="list-style-type: none"> <li>• The association of a condominium created on or after the effective date of this 2007 Act shall be organized as a corporation for profit or nonprofit corporation or, <b>if the condominium consists of not more than four units, excluding units used for parking, storage or other use ancillary to a unit</b>, as an unincorporated association. If the association is incorporated, the name of the association shall include the complete name of the condominium</li> </ul>

**10. Approval of Association leases, easements etc.** HB 2666 Amending ORS 100.405

Section 11 of HB 2666.

	<p>New language in 100.405(6)(a)(A): Except as provided in subparagraph (B) of this paragraph, the granting of a lease, easement, right of way, license or other similar interest pursuant to subsection (5) of this section shall be first approved by at least 75 percent of owners. <b>Unit owner approval may be solicited by any means the board of directors determines is reasonable and need not be at a meeting of the association.</b></p>
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**11. Must record a bylaws amendment within 2 years of approval.**

HB 2666 Amending ORS 100.410 Section 13 of HB 2666.

	<ul style="list-style-type: none"> <li>• <i>Note: Please include the following language on declaration amendments:</i>  <b>The foregoing Bylaws Amendment is approved pursuant to ORS 100.410 this ___ day of _____ 20___ and in accordance with ORS 100.410 (6), this approval shall automatically expire if this Amendment is not recorded within two (2) years from this date.</b></li> </ul> <p style="text-align: right;">Oregon Real Estate Commissioner BY _____</p>
	<ul style="list-style-type: none"> <li>• New language in 100.410(6)(c):  <b>If the amended bylaw approved by the commissioner under this subsection is not recorded as required in subsection (3) of this section within two years from the date of approval by the commissioner, the approval automatically expires and the amended bylaw must be resubmitted for approval as provided in this section. The commissioner’s approval shall set forth the date on which the approval expires.</b></li> </ul>

**12. Maintenance, Repair Replacement of Unit**

Amending ORS 100.535 Section 15 of HB 2666.

	<ul style="list-style-type: none"> <li>• New language in 100.535: <b>(7) Unless otherwise provided in the declaration or bylaws, a unit owner is responsible for the maintenance, repair and replacement of the unit.</b></li> </ul>
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### 13. Maintenance, Repair Replacement of Common Elements

HB 2666 Amending ORS 100.540 Section 16 of HB 2666.

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| <ul style="list-style-type: none"><li>• New language in 100.540: <b>(2) Unless otherwise provided in the declaration or bylaws:</b><ul style="list-style-type: none"><li><b>(a) The responsibility for maintenance, repair and replacement of the common elements is the responsibility of the association of unit owners; and</b></li><li><b>(b) The cost of maintenance, repair and replacement is a common expense of the association.</b></li></ul></li></ul> |
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### New language for unit sales agreements:

#### HB 2762 Note: the language in bold is new language

93.040(2) In all owner's sale agreements and earnest money receipts, there shall be included in the body of the instrument the following statement:

“THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT **TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO VERIFY THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.**”

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#### If the following provisions are in the Declaration or Bylaws, they must reflect the new statutes in HB 2665:

1. **Association Receivership.** New Language. Section 19 of HB 2665.
  - See Section 19 of HB 2665. Provisions for receivership if no quorum elected.
2. **Association Notice/Information to Unit Owners.** New Language. Section 20 of HB 2665.
  - See Section 20 of HB 2665. Electronic communication requirements.
  - This section permits the use of electronic communication. Bylaws may not be written to prohibit.
3. **Association Electronic Ballot.** New Language. Section 21 of HB 2665.
  - See Section 21 of HB 2665. Electronic ballot definition and requirements
  - This section permits the use of electronic communication. Bylaws may not be written to prohibit.
4. **Voting by Directors.** New Language. Section 22 of HB 2665.
  - See Section 22 of HB 2665. Presumption of director assent; votes must be recorded in minutes; no proxy or secret ballots; officers may be elected by secret ballot.
5. **Association Quorum requirements.** Amending ORS 100.408. Section 26 of HB 2665.

- See Section 26 of HB 2665 for quorum requirements
6. **Actions at Association Meetings.** Amending ORS 100.425. Section 27 of HB 2665.
    - Limits actions by written ballots. Establishes new provisions and procedures for written ballots
  7. **Voting Rights.** Amending ORS 100.427. Section 28 of HB 2665.
    - Provisions on voting rights or consent of a unit owner cast or given
  8. **Suit or Action by Association.** Amending ORS 100.470. Section 29 of HB 2665.
    - Eliminates language “unless otherwise provided in the declaration or bylaws.” Cannot provide alternative language in declaration or bylaws.
  9. **Association Insurance/ Deductibles.** Amending ORS 100.435. Section 31 of HB 2665.
    - New provisions on amount of deductibles in insurance policies
  10. **Voting/Granting consent.** Amending ORS 100.525. Section 32 of HB 2665.
    - (2) Unless otherwise provided in the declaration or bylaws:
      - (a) An executor, administrator, guardian or trustee may vote[, *in person or by proxy, at a meeting of the association*] **or grant consent** with respect to a unit owned or held in a fiduciary capacity, whether or not the [*same*] **specific right** has been transferred to the fiduciary, if the person satisfies the secretary that the person is the executor, administrator, guardian or trustee holding the unit in a fiduciary capacity.
  11. **Bylaws.** Amending ORS 100.410. Section 34 of HB 2665.
    - Changes statutory references based on amendments to Chapter 100.
  12. **Bylaws.** Amending ORS 100.640. Section 35 of HB 2665.
    - Changes statutory references based on amendments to Chapter 100.
  13. **Bylaws.** Amending ORS 100.655. Section 36 of HB 2665.
    - Changes statutory references based on amendments to Chapter 100.

**If the following provisions are in the Declaration or Bylaws, they must reflect the new statutes in HB 2666:**

1. **Compliance with requirements of federal or state entities that insure, guarantee or finance condominiums or condominium units (FHA, VA, FNMA etc.).** New language. Section 4 of HB 2666.
 

“(1) A declarant may amend the declaration or bylaws in order to comply with requirements of the Federal Housing Administration, the United States Department of Veterans Affairs, Rural Development or the Farm Service Agency of the United States Department of Agriculture, the Federal National Mortgage Association, the Government National Mortgage Association, the Federal Home Loan Mortgage Corporation, any department, bureau, board, commission or agency of the United States or the State of Oregon or any corporation wholly owned, directly or indirectly, by the United States or the State of Oregon that insures, guarantees or provides financing for a condominium or units in a condominium.

(2) If the need to amend the declaration or the bylaws occurs after turnover to the association of unit owners has occurred, the amendment must be approved by the association in accordance with the approval provisions of the declaration or bylaws and this chapter.”
2. **Amendment to Statute. Section 12 of HB 2666:**

**Sec. 29.** Unless the declaration of a condominium recorded before [*the effective date of this 2003Act*] **July 14, 2003**, expressly limits or prohibits the authority of the association of unit owners to grant, execute, acknowledge[,] **and** deliver [*and record*] on behalf of the unit owners leases, easements, rights of way, licenses and other similar interests affecting the general common elements and consent to vacation of roadways within and adjacent to the condominium pursuant to ORS 100.405(6) in effect at the time the declaration was recorded, the amendments to ORS 100.405 (6) by section 28, **chapter 569, Oregon Laws 2003**, [*of this 2003 Act*] apply to **the authority of the association**

of unit owners of a condominium recorded before [*the effective date of this 2003 Act*] **July 14, 2003, except for the limitation or prohibition on the authority of the association under this section.**

3. **Amendments to ORS 100.115, ORS 100.275, ORS 100.550, and ORS 100.640. Sections 17, 18, 19 and 20 of HB 2666:**

- Changes statutory references based on amendments to Chapter 100.

## **New language for deeds:**

**Note: the language in bold is new language**

93.040. (1) The following statement shall be included in the body of an instrument transferring or contracting to transfer fee title to real property except for owner's sale agreements or earnest money receipts, or both, as provided in subsection (2) of this section:

“BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON’S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY **THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL,** TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.”