



TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

OST 1-2025
CHAPTER 170
OREGON STATE TREASURY

FILED

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ARCHIVES DIVISION
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FILING CAPTION: Implementing statutory changes to county tax foreclosure surplus proceeds under HB 2089 (2025)

EFFECTIVE DATE: 10/01/2025 THROUGH 03/29/2026

AGENCY APPROVED DATE: 09/25/2025

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NEED FOR THE RULE(S):

The rules are needed to implement HB 2089 (2025). The temporary rules provide clarity for those who need to report county tax foreclosure surplus proceeds to the Oregon State Treasurer and for those who have a claim to those assets.

JUSTIFICATION OF TEMPORARY FILING:

Without temporary rules, Oregon State Treasurer will lack the ability to prioritize competing claims or obtain consistent information that will ensure property is returned to their rightful owners. HB 2089 (2025) did not allow sufficient time to adopt permanent rules before the law became effective.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

HB 2089 (2025): <https://olis.oregonlegislature.gov/liz/2025R1/Downloads/MeasureDocument/HB2089/Enrolled>

RULES:

170-140-0105, 170-145-0020, 170-145-0025

AMEND: 170-140-0105

RULE SUMMARY: Adds required evidence for an heir to claim county tax foreclosure surplus proceeds and provides a method to prioritize competing claims.

CHANGES TO RULE:

170-140-0105

Required Attachments to Property to Property Claim Form

The Claimant must provide all the documents or other records required under this rule as attachments to the Property Claim Form or uploaded through the online Unclaimed Property Portal.¶¶

(1) Original Owner. If the Claimant is the original Owner, the Claimant must provide:¶¶

(a) The Claimant's current photo identification or other evidence to prove the identity of the Claimant (e.g., Driver's license);¶¶

(b) Proof of current mailing address; and¶¶

(c) Sufficient evidence to establish the Owner's legal entitlement to Property.¶¶

(2) Successor of Original Owner. If the Claimant is a Successor of the original Owner, the Claimant must provide the Claimant's current photo identification or other evidence to prove the identity of the Claimant (e.g., Driver's license), proof of current mailing address, and sufficient evidence to establish:-¶

(a) The original Owner's legal entitlement to the claimed Property; and-¶

(b) Sufficient evidence to establish the Claimant's legal entitlement to the claimed Property as a Successor.¶

(3) Heirs. If the Claimant is an heir of a Decedent, the Claimant must provide:-¶

(a) When the value of the Property is \$1,000.00 or more, but not more than \$10,000:-¶

(A) an Affidavit in Lieu of Probate: or-¶

(B) Evidence of probate or the filing of probate under ORS chapters 111, and 113 - 117.-¶

(b) When the value of the Property is more than \$10,000.00, evidence of probate or the filing of probate under ORS chapters 111, and 113 - 117.-¶

(c) When the funds are Oregon country tax foreclosure surplus:¶

(A) A copy of the former owner's death certificate;¶

(B) A copy of the former owner's will, if any;¶

(C) A statement that the estate is not being probated and that a small estate affidavit is not being filed for the estate;¶

(D) The identity of each beneficiary of the claim;¶

(E) The proportion of the surplus distributable to each beneficiary; and¶

(F) Signatures of all beneficiaries of the claim acknowledging their participation in the claim.¶

(G) If there are multiple heirs, an heir who has occupied the property as a primary residence for more than one year is presumed to have authority to receive the surplus on behalf of all heirs, in the absence of a written agreement among heirs or objection by the heir.¶

(H) If there are multiple heirs who occupied the property as a primary residence for more than a year, the heir who occupied the property at the time of foreclosure has priority if the Treasurer receives multiple claims from heirs who occupied the property as their primary residence for more than a year.¶

(4) Creditor. If the Claimant is a creditor of a Property Owner, the Claimant must provide:¶

(a) A valid Writ of Garnishment; and¶

(b) Any other evidence sufficient to establish the Claimant is legally entitled to the claimed Property.-¶

(5) Purchaser of a Negotiable Instrument. If a Claimant purchased a negotiable instrument (e.g., cashier's check, money order, certified check, traveler's check), from the Owner (i.e., the payee), the Claimant must provide:-¶

(a) the Claimant's current photo identification or other evidence to prove the identity of the Claimant (e.g., Driver's license);¶

(b) Proof of current mailing address; and¶

(c) The negotiable instrument, lost instrument bond if required by the Treasurer, or evidence of payment satisfying the obligation to the payee.-¶

(6) Claim for Securities. If the Claimant is claiming securities, the Claimant must provide:-¶

(a) the Claimant's current photo identification or other evidence to prove the identity of the Claimant (e.g., Driver's license);¶

(b) Proof of current mailing address;¶

(c) The original security certificate, or lost instrument bond if required by the Treasurer; and-¶

(d) The Owner's social security number as provided by the United States Security and Exchange Commission under 17 CFR § 240.17a-3.

Statutory/Other Authority: ORS 98.422, ORS 178.050

Statutes/Other Implemented: ORS 98.932, ORS 312.125

AMEND: 170-145-0020

RULE SUMMARY: Establishes timeline and format requirements for the reporting of county tax foreclosure surplus proceeds.

CHANGES TO RULE:

170-145-0020

Reporting Form and Format

(1) A Holder must submit reports electronically and in the requested format.¶¶

(2) Notwithstanding section (1) of this rule, a Holder may request permission to submit a hard-copy report. The request must be in writing and include an explanation of the difficulty of filing electronically. The Holder must follow the form and format required by the Treasurer if the request is approved.¶¶

(3) A Holder must file a Negative Report if required by the Treasurer.¶¶

(4) A Holder of lawyer trust account funds or interest on lawyer trust account funds must submit a report in writing and remit the funds to the Oregon State Bar. The Oregon State Bar will provide the report data to the Treasurer based on the Treasurer's instruction.¶¶

(5) A Holder of county tax surplus foreclosure funds must submit a report in writing to the Treasurer within 30 days of the date the surplus is determined. The Holder must follow the form and format required by the Treasurer.

Statutory/Other Authority: ORS 178.050, ORS 98.422, ORS 98.352

Statutes/Other Implemented: ORS 98.352

RULE SUMMARY: Establishes additional reporting requirements for county tax foreclosure surplus proceeds.

CHANGES TO RULE:

170-145-0025

Reporting and Delivery of Property to the Treasurer

- (1) Every Person holding funds or other Tangible or Intangible Property, presumed abandoned according to ORS 98.302 to 98.352 must report and pay or deliver all such Property to the Treasurer, except that funds transferred to the General Fund by governmental agencies pursuant to ORS 293.455(1)(a) must only be reported to the Treasurer.¶¶
- (2) The Holder must designate an employee to serve as contact for the report.¶¶
- (3) For accounts Inactive as of June 30, the Holder must file the report after October 1, but not later than November 1.¶¶
- (4) The Treasurer may postpone the reporting date or allow early reporting and payment or delivery upon written request by any Person required to file a report. Such action is at the Treasurer's discretion.¶¶
- (5) A Holder must report all Property, regardless of value, presumed abandoned according to ORS 98.302 to 98.352 and the timelines established in (3) above.¶¶
- (a) Reported Property must include the following information, if known:¶¶
 - (A) The complete name, address of record, Social Security number, previous names, and any previous addresses of each listed Owner; and¶¶
 - (B) The type of account, identification number, reference number, last activity or transaction date used to presume abandonment, and any specific description of the Unclaimed Property according to the records of the Holder.¶¶
- (b) If the Holder believes it is more efficient, it may report a lump sum value, known as an aggregate, for the total of individual accounts \$49.99 or less, except when the total amount held for any one Owner of several small amounts equal or exceed \$50 dollars.¶¶
 - (A) If the Holder chooses to aggregate Owner Property, the Treasurer requests the Holder provide any available detail for each Property, such as Owner, contact information, amount due and other identifier that would allow the Treasurer to look for Owners and reunite them with their Property. The Holder may choose to upload this information securely through the Unclaimed Property website or send by letter or fax.¶¶
 - (B) If the Holder does not provide Owner detail for aggregate Property, the Treasurer may request the Holder to certify ownership when a potential claim exists for a portion of the lump sum reported.¶¶
- (6) In addition to the information required above, a life insurance company must also report the following information, if known:¶¶
 - (a) The full name of each insured or annuitant, or if a class of beneficiaries is named, the full name of each current beneficiary in the class, and according to the Holder's records;¶¶
 - (b) The address of each beneficiary; and¶¶
 - (c) The relationship of each beneficiary to the insured.¶¶
- (7) A Holder of Safekeeping Depositories must comply with the following additional requirements:¶¶
 - (a) The Holder must complete the specific report form for safekeeping contents or include the required information in the Holder's computer-generated format and file the report, separate from the contents, no later than November 1.¶¶
 - (b) In addition to the information required in section (5) of this rule, list each item left in a Safekeeping Depository, and the identity of the Owner. The Holder must include information about the original box if the Holder moved items to a safekeeping area.¶¶
 - (c) In accordance with directions from the Treasurer, the Holder must deliver the package of Safekeeping Depository contents marked "to be delivered unopened," to the Treasurer by certified mail, return receipt requested or hand carried by a courier. The Treasurer must sign a receipt for the unopened package upon delivery to the Treasurer.¶¶
 - (d) The Holder must clearly identify on the package the Holder's complete name, the branch (if applicable), the return address, and name and phone number of contact person.¶¶
 - (e) With the exception of hazardous Tangible Property, the Holder must forward the complete contents of Safekeeping Depositories to the Treasurer intact. The Holder may not convert, substitute or exchange any coins and currency found in the box.¶¶
 - (f) The Holder must inventory contents before remitting Tangible Property to the Treasurer and include inside each package the inventory sheet and Owner information. If the Holder returns any boxes to Owners between reporting and remitting Tangible Property to the Treasurer, the Holder must provide documentation for any boxes returned to Owners.¶¶

(g) The Holder must include information about Safekeeping Depository costs in its report to the Department. The Treasurer may require the Owner to furnish proof from the Holder pursuant to OAR 170-145-0015 before a claim for a safe deposit box is approved.¶¶

(8) A holder of lawyer trust account funds or interest on lawyer trust account funds must comply with 170-145-0025(4) and the following additional requirements:¶¶

(a) Provide written reports to the Oregon State Bar in a format provided by the Treasurer.¶¶

(b) Property may not be comingled with other property types.¶¶

(c) Property may not be reported for non-Oregon addresses. Such Property must be reported to the state of record.¶¶

(9) Any Holder, business association, transfer agent, registrar or other Person acting on behalf of the Holder of an intangible equity ownership interest deemed unclaimed according to ORS 98.322 must, in addition to supplying the information required in section (5) of this rule:¶¶

(a) Report and transfer the shares directly to the Treasurer's designated stockbroker or transfer agent via available electronic medium and include a confirmation of the transfer with the report.¶¶

(b) When an electronic method of transfer is not available the Holder must:¶¶

(A) Where the original certificate is being held by the Holder for the Owner (i.e., stock or other certificate of ownership of a business association which has been returned to the Holder, who cannot find the Owner), cancel that certificate and issue a replacement certificate of ownership to the Treasurer; or¶¶

(B) When the Holder does not hold the original certificate, issue a replacement certificate i.e., a duplicate certificate of ownership or other distribution or stock or other certificates of ownership of a business association issued in the name of the Office of the State Treasurer as custodian of unclaimed Property. The original certificate of ownership is presumed to be in the possession of the missing Owner.¶¶

(c) In any case, the Holder must report and forward to the Treasurer all outstanding accrued Dividends, along with the certificate.¶¶

(10) In addition to providing the information required in section (5) of this rule, a Holder reporting mutual funds in book entry form must:¶¶

(a) Transfer the account directly into the Treasurer's account at the Treasurer's designated broker dealer and forward a confirmation of account transfer to the Treasurer along with the report; and¶¶

(b) Forward future income in the form of cash (for example, Dividends, Capital Gains, etc.) payable to the Treasurer from mutual fund accounts with Dividend Reinvestment Plans.¶¶

(11) If the Holder is a dissolved agricultural cooperative, the Holder must forward the original reports detailing unclaimed dissolved agricultural cooperative accounts to the Treasurer along with the funds and file a copy of the report with Oregon State University. The Treasurer must reconcile the report to the delivered funds, deduct the costs as provided for in ORS 62.720 and forward the funds to Oregon State University within 14 working days after receiving the funds.¶¶

(12) The receiver or other liquidating agent for a dissolved corporation must prepare a report containing the names and Last-known Addresses of the Persons entitled to such funds.¶¶

(13) Before October 1 each year, each state agency must prepare a report of all checks, warrants, and orders drawn by it which have been outstanding for a period of more than two years prior to July 1, and that have not been paid by the State Treasurer. The report must not include checks or orders that have already been paid pursuant to indemnity bonds. The agency must forward the report to the Treasurer before November 1.¶¶

(14) After October 1, the State Treasurer may refuse payment of the unrepresented checks or orders included in the report, and upon instructions by the issuing agency must:¶¶

(a) Transfer and credit the amounts of the unrepresented checks or orders dedicated for general funding to the General Fund;¶¶

(b) Except for federal funds governed by federal laws and rules as provided in ORS 291.003 and 409.040(2), transfer all other funds to the Treasurer; and¶¶

(c) Report information about any payment made to an Owner subsequent to filing the report, but before transferring the funds to the Treasurer.¶¶

(15) If the Holder of the unclaimed account is a successor to other Persons who previously held the Property, or if the Holder has had a name change, the Holder must include in the initial report prior known names and addresses of the original or previous Holder.

Statutory/Other Authority: ORS 178.050, ORS 98.422, ORS 98.352, ORS 312.040, ORS 312.125

Statutes/Other Implemented: ORS 98.412352, ORS 312.040, ORS 312.125