

Tips, Traps, and Resources

FORECLOSURE – CHECKLIST: The PLF practice aid “Trust Deed Foreclosure Checklist” has been updated in January 2013 to clarify Notice of Sale, Notice of Default, and Affidavit of Compliance requirements. This area of the law is evolving, so watch for developments in the 2013 legislative session, and be sure you have the most current version of this checklist. Go to www.osbplf.org, select Practice Aids and Forms under Loss Prevention on the home page, then select the Real Property category.

Our thanks to James R. Uerlings, Greg Oldham, Don G. Carter, Susan T. Alterman, and Kelly L. Harpster, for their assistance with this practice aid.

FORECLOSURE – LEGAL HELP: Legal Aid Services of Oregon gives advice and legal representation on foreclosure issues to low- and moderate-income homeowners and tenants. Call 1-855-412-8828 (toll-free statewide) or 503-227-0198 (tri-county area).

FORECLOSURE – MERS: In *Niday v. GMAC Mortgage LLC* (July 18, 2012) (www.publications.ojd.state.or.us/publications/A147430.pdf), the Oregon Court of Appeals ruled that the beneficiary of a trust deed is the person to whom the debt is owed, not the Mortgage Electronic Registration Systems, Inc. (MERS). It further ruled that lenders who use MERS to circumvent public recording cannot use the nonjudicial foreclosure process. *Niday* has been appealed. The Oregon Supreme Court heard oral arguments on January 8, 2013.

OJIN/OREGON eCOURT – OFFICIAL CASE REGISTER: The Oregon eCourt Case Information System has replaced the Oregon Judicial Information Network (OJIN) as the official case register for circuit courts in Linn, Crook, and Jefferson counties. Beginning February 2013, historical data from these counties will be removed from OJIN and will be accessible only in the Oregon eCourt system.

SUPPLEMENTARY LOCAL RULES: New Supplementary Local Rules (SLRs) for each circuit court take effect February 1, 2013. Changes to Multnomah County SLRs include changes to reflect the new civil case management process. To view the rules for a particular circuit court, go to <http://courts.oregon.gov/OJD/rules/pages/index.aspx> and select Supplementary Local Court Rules.

2012 PMA BLOGS: Practice Management Advisors Beverly Michaelis and Sheila Blackford blogged in 2012 about Acrobat XI, the 2012 Oregon Lawyer Economic Survey, independent contractors, and missing clients, among many other posts. Check out their blogs at <http://oregonlawpracticemanagement.com> and <http://justoregonlawyers.com>.

Thanks to Beverly Michaelis, PLF Practice Management Advisor, for her assistance with these tips.

DISCLAIMER

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