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Law Library

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Foreclosure Research Guide

GENERALLY: Foreclosure law in Oregon, and around the country, is a dynamic area of law at this time. Be sure that any sources or law you consult are up to date. In Oregon, foreclosures are predominantly happening through the judicial foreclosure process. This means that you may also wish to consult civil practice materials. In addition, debt collection materials and research guides may be relevant to your research.

As with all of our other research guides, this guide is meant to help you navigate the resources within the library, and on-line, it is not a substitute for an attorney and is not legal advice.

Disclaimer: It is against state law for library staff members to engage in any conduct that might constitute the unauthorized practice of law (ORS 9.160 and 9.21.) They may not interpret statutes, cases, or regulations, perform legal research, recommend or assist in the preparation of forms, or advise patrons regarding their legal rights. They may, however, assist patrons in locating materials or links that would aid individual research.

SUGGESTED RESOURCES:

BOOKS:

Foreclosures – This book is published by the NCLC and intended for a national audience. Although, intended for attorneys, they are aware that their publications are also consulted by non-attorneys. It is located in our Treatise area, aisle 2B, call number KF 1600.A3.R1 2012 (2013 Supp). This book is up to date on the laws and regulations of foreclosures, modifications and other information.

Foreclosing Security Interests - Located behind the reference desk and written for Oregon attorneys, this material is slightly old but still gives perspective on the process and case law related to Oregon foreclosure law. KFO 2575.F672 1997(2005 Supp) RES.

The Foreclosure Survival Guide - by Stephen Elias, 2008 : KF 697.F6 .E34 2008. This book is geared towards non-attorneys but predates many of the newer foreclosure laws and regulations. However, its straight forward writing makes it a good companion to the above sources.

Powell on Real Property - is a treatise geared towards in depth coverage on Real Property. KF 570.P6 2000.

OTHER PRINT ITEMS:

2 – Foreclosure Research Guide

Oregon Revised Statutes - Chapter 86 is on the process of judicial foreclosure of trust deeds. May also be accessed online. https://www.oregonlegislature.gov/bills_laws/Pages/ORS.aspx

The library catalog may direct you to other helpful resources related to foreclosure matters(see search terms below):

<http://www.libraryworld.net/cgi-bin/opac.pl?command=signin&libraryname=lanecountylib&guest=allow>

WEBSITES:

- 1) Oregon State Bar
http://www.osbar.org/public/legalinfo/1202_ForeclosureRealProperty.htm - The Oregon State Bar website has a guide meant for non-attorneys on foreclosure.
- 2) State of Oregon
<http://Foreclosurehelp.Oregon.gov> – The State of Oregon has established a site describing the loan modification process, listing a calendar of events and other helpful links and resources.
- 3) HUD
<http://portal.hud.gov/hudportal/HUD?src=/states/oregon/homeownership/foreclosure> - The U.S. Federal government also has a site for foreclosure prevention.
- 4) Federal Regulations
<http://federalregister.gov> contains the federal regulations relevant to mortgage foreclosure and lending including Regulation X (RESPA) and Regulation Z.

COMPUTER SUBSCRIPTIONS: (ASK A LIBRARIAN FOR TRAINING)

Lexis and Westlaw – Case law, treatises, and statutes.

NCLC – A companion website to their books.

HeinOnline – Because this is a transforming area of law, Law Review articles may be of assistance, as there are many recent articles describing the development.

SUGGESTED SEARCH TERMS: foreclosure, judicial foreclosure, loan modification, RESPA, authority to foreclose, right of redemption, workout agreements, HAMP.

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