

**Oregon Rules of Civil Procedure
Legislative Amendments 1979-2023**

ORCP 84

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Lewis & Clark Law School | Oregon Council on Court Procedures

Rule 84 – Attachment

§	Latest Amendment
A	Or. Laws 2003 c.576 § 224
B	Or. Laws 2003 c.576 § 265
C	Or. Laws 2003 c.576 § 266
D	Or. Laws 2001 c.249 § 79

Or. Laws 1981 c.883 § 38–39

§38 Amends Rule 84(C);

§39 Amends Rule 84(D)

- A. [Unamended]
- B. [Unamended]
- C. **Attachment by claim of lien.**
- Property subject to claim of lien.** When attachment is authorized, the plaintiff may attach the **following defendant's real** property by filing a claim of lien.†
 - Defendant's real property; or**
 - Personal property of the defendant in which a consensual security interest within ORS chapter 79.1020 would be required to be perfected by filing a financing statement under ORS 79.3020.**
 - Form of claim; filing.**
 - [Unamended]
 - Filing.** [(b)(i)] **Filing.** [Full section text unamended]
 - Filing.** ~~A claim of attachment lien in real property shall be filed with the clerk of the court that authorized the claim and with the county clerk of the county in which the property is located. The county clerk shall certify upon every claim of lien so filed the time when it was received. Upon receiving the claim of lien, the county clerk shall immediately file such claim of lien in the county clerk's office, and record it in a book to be kept for that purpose. When the claim of lien is so filed for record, the lien in favor of the plaintiff attaches to the real property described in the claim of lien. Whenever such lien is discharged, the county clerk shall enter upon the margin of the page on which the claim of lien is recorded a minute of the discharge.~~
 - A claim of attachment lien in personal property shall be filed with the clerk of the court that authorized the claim of lien and in the same office or offices in which a financing statement would be required to be filed. A lien arises in the property described in the claim upon a filing of the claim of lien.**
- D. **Writ of attachment.**
- [Unamended]
 - [Unamended]
 - Personal property not in possession of third party.** **Tangible** personal property ~~capable of manual delivery to the sheriff, and~~ not shall be attached by taking it into the sheriff's custody. If any property attached is perishable, or livestock, where the cost of keeping is great, the sheriff shall sell the same in the manner in which property is sold on execution. The proceeds thereof and other property attached shall be retained by the sheriff to answer any judgment that may be recovered in the action, unless sooner subjected to execution upon another judgment. Plaintiff's lien shall attach when the property is taken into the sheriff's custody.
 - Other personal property.** **Tangible and intangible personal property in the possession, control or custody of or debts or other monetary obligations owing by a third person shall be attached as provided in sections 2 to 28, chapter 883, Oregon Laws 1981 (Enrolled Senate Bill 527).** ~~Other personal property shall be attached by leaving a certified copy of the writ and a notice with the person having possession of the same, or if it be a debt, then with the individual debtor, and if such debt arises out of a wage or salary claim against a corporate debtor then with the registered agent of the corporation, the president or other head of the corporation, vice president, secretary, cashier, assistant cashier or managing agent or such other person designated by the corporation to accept the writ and notice, or if it be rights or shares in the stock of an association or~~

- corporation, or interests or profits thereon, then with such person or officer of the association or corporation as a summons is authorized to be served upon; provided that if it be a security, as defined in ORS 78.1020 or a share or any other interest for which a certificate is outstanding the requirements of ORS 78.3170 must be satisfied. However, debts owing to the defendant by a bank or trust company or savings and loan association maintaining branch offices, or credits or other personal property whether or not capable of manual delivery, belonging to the defendant and in the possession of or under the control of such a bank or trust company or savings and loan association, shall be attached by leaving a certified copy of the writ and the notice with the president, vice president, treasurer, secretary, cashier, or assistant cashier of the bank or trust company or savings and loan association at the office or branch thereof at which the account evidencing such indebtedness is carried or at which the bank or trust company or savings and loan association has credits or other personal property belonging to the defendant in its possession or under its control, or, if no such officers be found at such office or branch, by leaving a certified copy of the writ and the notice with the manager or assistant manager of such office or branch; and no attachment shall be effective as to any debt owing by such bank or trust company or savings and loan association if the account evidencing such indebtedness is carried at an office or branch thereof not so served, or as to any credits or other personal property in its possession or under its control at any office or branch thereof not so served, except that such service on the head office of any such institution shall be effective service upon all offices or branches thereof located in the same city as the head office. Plaintiff's lien shall attach upon service of the copy of the writ and notice as provided in this paragraph.
- c. ~~Savings and loan association.~~ [Rule 82(D)(2)(c) deleted in full]
 - d. ~~Form of notice.~~ [Rule 82(D)(2)(d) deleted in full]
 - e. ~~Interest in estate.~~ [Rule 84(D)(2)(e) deleted in full]
1. ~~Procedure after garnishment.~~ [(4)] [Return of writ; inventory.](#) [Full section text redesignated]
 2. [(5)] [Indemnity to sheriff.](#) [Full section text redesignated]

S.B. 527

Or. Laws 1981 c.883 § 38–39

Senate Introduction

3/30/81

A-Engrossed Bill

7/8/81 – Passed with amendments in Senate (per Justice Committee recommendation)

7/27/81 – Passed with amendments in House

B-Engrossed Bill

7/29/81 – Senate concurred with House amendments and repassed the bill.

Governor signed Enrolled Bill

8/22/81

Or. Laws 1987 c.586 § 45–46

§45 Amends Rule 84(A);

§46 Amends Rule 84(C)

A. **Actions in which attachment allowed.**

1. **Order for provisional process.** Before a writ of attachment may be issued or any property attached by any means provided by this rule, the plaintiff must obtain, **and have recorded in the County Clerk Lien Record,** an order under Rule 83 that provisional process may issue.
2. [Unamended]
 - a. [Unamended]
 - b. [Unamended]
 - c. [Unamended]
3. [Unamended]

B. [Unamended]

C. **Attachment by claim of lien.**

1. [Unamended]
2. [Unamended]
 - a. [Unamended]
 - i. [Unamended]
 - ii. [Unamended]
 - iii. [Unamended]
 - iv. [Unamended]
 - b. **Filing.** A claim of attachment lien in real property shall be filed with the clerk of the court that authorized the claim and with the county clerk of the county in which the property is located. The county clerk shall certify upon every claim of lien so filed the time when it was received. Upon receiving the claim of lien, the county clerk shall immediately ~~file such claim of lien in the county clerk's office, and record it in a book to be kept for that purpose~~ **record it in the County Clerk Lien Record.** When the claim of lien is so ~~filed for record~~ **recorded,** the lien in favor of the plaintiff attaches to the real property described in the claim of lien. Whenever such lien is discharged, the county clerk shall enter upon the margin of the page on which the claim of lien is recorded a minute of the discharge.

D. [Unamended]

H.B. 2323

Or. Laws 1987 c.586 § 45–46

House Introduction

1/16/87

A-Engrossed Bill

6/8/87 – Passed with amendments in House (per Judiciary Committee recommendation)

6/19/87 – Passed with amendments in Senate (per Judiciary Committee recommendation)

B-Engrossed Bill

6/22/87 – House concurred with Senate amendments and repassed bill.

Governor signed Enrolled Bill

7/11/87

Or. Laws 1987 c.873 § 20
Amends Rule 84(D)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. **Writ of attachment.**
 - 1. [Unamended]
 - 2. **Manner of executing writ.** [Full section text unamended]
 - a. [Unamended]
 - b. **Other personal property.** Tangible and intangible personal property in the possession, control or custody of or debts or other monetary obligations owing by a third person shall be attached by **writs of garnishment issued by the clerk of a court** as provided in ORS 29.125 to 29.375
 - 3. [Unamended]
 - 4. [Unamended]

S.B. 566

Or. Laws 1987 c.873 § 20

Senate Introduction

3/26/87

A-Engrossed Bill

6/2/87 – Passed with amendments in Senate (per Judiciary Committee recommendation)

6/19/87 – Passed with amendments in House (per Judiciary Committee recommendation)

[NOTE: House Judiciary Committee recommended passing with amendments as *A-Engrossed*. This seems to be erroneous since the Senate had already passed an amended bill, making *B-Engrossed* being the proper designation.]

B-Engrossed Bill

6/24/87 – Senate refused to concur with House Amendments; Conference Committee formed

6/25/87 – Conference Committee failed to agree; Conference Committee reformed

6/27/87 – Conference Committee recommended Senate concur with House amendments; Senate adopted and repassed bill; House adopted Conference Committee report

Governor signed Enrolled Bill

7/20/87

[NOTE: If the above note is correct, *C-Engrossed* is the proper designation for the Enrolled Bill.]

Or. Laws 1997 c.439 § 9
Amends Rule 84(D)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. **Writ of attachment.**
 - 1. [Unamended]
 - 2. **Manner of executing writ. [Full section text unamended]**
 - a. [Unamended]
 - b. **Other personal property.** Tangible and intangible personal property in the possession, control or custody of or debts or other monetary obligations owing by a third person shall be attached by writs of garnishment issued by the clerk of a court **or by an attorney** as provided in ORS 29.125 to 29.375 and 29.401 to 29.415
 - 3. [Unamended]
 - 4. [Unamended]

H.B. 2468

Or. Laws 1997 c.439 § 9

House Introduction

2/11/97

A-Engrossed Bill

4/9/97 – Passed with amendments in House (per Judiciary Committee and Civil Law Subcommittee recommendation)

6/5/97 – Passed unamended in Senate

Governor signed Enrolled Bill

6/27/97

Or. Laws 1997 c.631 § 564
Amends Rule 84(A)

A. Actions in which attachment allowed.

1. [Unamended]
2. [Unamended]
3. **Exception for bank financial institution.** Notwithstanding subsection (2) of this section, no attachment shall be issued against any **bank financial institution, as that term is defined in section 3 of this 1997 Act,** or ~~its~~ against the property **of a financial institution** before final judgment as security for the satisfaction of any judgment that may be recovered against such **bank financial institution.**

B. [Unamended]

C. [Unamended]

D. [Unamended]

S.B. 125

Or. Laws 1997 c.631 § 564

Senate Introduction

3/25/97

A-Engrossed Bill

4/34/95 – Passed with amendments in Senate (per Judiciary Committee and Business, Law, and Government Subcommittee recommendation)

6/27/97 – Passed with amendments in House (per Commerce Committee recommendation)

B-Engrossed Bill

7/1/97 – Senate concurred with House amendments and repassed bill

Governor signed Enrolled Bill

7/25/97

Or. Laws 2001 c.249 § 79
Amends Rule 84(D)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. **Writ of attachment.**
 - 1. [Unamended]
 - 2. **Manner of executing writ.** [Full section text unamended]
 - a. [Unamended]
 - b. **Other personal property.** Tangible and intangible personal property in the possession, control or custody of or debts or other monetary obligations owing by a third person shall be attached by writs of garnishment issued by the clerk of a court or by an attorney as provided in ~~ORS 29.125 to 29.375 and 29.401 to 29.415~~ sections 1 to 65 of this 2001 Act.
 - 3. **Notice to defendant.** After taking property into custody under subsection (2)(a) of this section, the sheriff shall promptly mail or deliver to the defendant, at the last-known address of the defendant, a copy of the writ of attachment, a copy of the claim of lien filed pursuant to section C of this rule, if any, a notice of exemptions form provided by section 64 of this 2001 Act, and a challenge to garnishment form provided by section 65 of this 2001 Act. The sheriff may meet the requirements of this subsection by mailing the documents to the last known address of the defendant as provided by the plaintiff. The sheriff may withhold execution of the writ until the plaintiff provides such address or a statement that the plaintiff has no knowledge of the defendant's address. The sheriff shall have no duty under this subsection if the plaintiff provides a statement that the plaintiff has no knowledge of the defendant's address.
 - 4. [D(3)] **Return of writ: inventory.** [Full section text redesignated]
 - 5. [D(4)] **Indemnity to sheriff.** [Full section text redesignated]

H.B. 2386

Or. Laws 2001 c.104 § 79

House Introduction

1/12/01

A-Engrossed Bill

3/21/01 – Passed with amendments in House (per Judiciary Committee and Civil Law Subcommittee recommendation)

5/11/01 – Passed with amendments in Senate (per Judiciary Committee recommendation)

B-Engrossed Bill

5/15/01 – House concurred with Senate Amendments and repassed the bill

Governor signed Enrolled Bill

5/30/01

Or. Laws 2003 c.576 § 224, 265–266

§224 Amends Rule 84(A);

§265 Amends Rule 84(B);

§266 Amends Rule 84(C)

A. Actions in which attachment allowed.

1. [Unamended]

2. [Unamended]

3. **Exception for financial institution.** Notwithstanding subsection (2) of this section, no attachment shall be issued against any financial institution, as that term is defined in ORS 706.008, or against the property of a financial institution. ~~before final judgment as security for the satisfaction of any judgment that may be recovered against such financial institution.~~

B. Property that may be attached. Only the following kinds of property are subject to lien or levy before **final** judgment:

1. [Unamended]

2. [Unamended]

3. [Unamended]

4. [Unamended]

C. Attachment by claim of lien.

1. [Unamended]

2. **Form of claim; filing.**

a. **Form.** [Full section text unamended]

i. Identify the action by names of parties, court, ~~docket~~ case number, and judgment demanded;

ii. [Unamended]

iii. [Unamended]

iv. [Unamended]

b. [Unamended]

D. [Unamended]

H.B. 2646

Or. Laws 2003 c.576 § 224, 265–266

House Introduction

2/13/03

A-Engrossed Bill

5/6/03 – Passed with amendments in House (per Judiciary Committee recommendation)

6/27/03 – Passed with amendments in Senate (per Judiciary Committee recommendation)

B-Engrossed Bill

7/1/03 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

7/17/03