

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

ORCP 85

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Lewis & Clark Law School | Oregon Council on Court Procedures

Rule 85 – Claim and Delivery

§	Latest Amendment
A	Unamended
B	Unamended
C	Or. Laws 2003 c.85 § 24
D	Unamended
E	Unamended

Or. Laws 2003 c.85 § 24

Amends Rule 85(C)

- A. [Unamended]
- B. [Unamended]
- C. **Custody and delivery of property.** Upon receipt of the order of provisional process issued by the court as provided in Rule 83, the sheriff shall forthwith take the property described in the order, if it be in the possession of the defendant or another person, and retain it in the sheriff's custody. **If any part of the property is concealed in a building or other enclosure, the sheriff shall demand delivery of the property. If the property is not delivered, the sheriff shall break open the building or enclosure and take the property into possession.** The sheriff shall keep ~~it~~ **the property** in a secure place; and deliver it to the party entitled thereto upon receiving the lawful fees for taking, and the necessary expenses for keeping the same. The court may waive the payment of such fees and expenses upon a showing of indigency.
- D. [Unamended]
- E. [Unamended]

H.B. 2274

Or. Laws 2003 c.85 § 24

House Introduction

1/14/03

A-Engrossed Bill

2/19/03 – Passed with amendments in House (per Judiciary Committee recommendation)

5/1/03 – Passed unamended in Senate

Governor signed Enrolled Bill

5/24/03