

SENATE AMENDMENTS TO HOUSE BILL 3006

By COMMITTEE ON JUDICIARY

May 14

1 On page 2 of the printed bill, after line 16, insert:

2 “**SECTION 1a.** If House Bill 3008 becomes law, ORS 113.035, as amended by section 1 of this
3 2019 Act, is amended to read:

4 “113.035. Any interested person or the person nominated as personal representative named in
5 the will may petition for the appointment of a personal representative and for the probate of a will.
6 The petition must include the following information, so far as known:

7 “(1) The name, age, domicile, post-office address and date and place of death of the decedent.

8 “(2) Whether the decedent died testate or intestate.

9 “(3) The facts relied upon to establish venue.

10 “(4) The name and post-office address of the person nominated as personal representative and
11 the facts that show the person is qualified to act.

12 “(5) The names, relationship to the decedent and post-office addresses of persons who are or
13 would be the heirs of the decedent upon the death of the decedent intestate, and the ages of any
14 who are minors.

15 “(6) A statement that reasonable efforts have been made to identify and locate all heirs of the
16 decedent. If the petitioner knows of any actual or possible omissions from the list of heirs, the pe-
17 tition must include a statement indicating that there are omissions from the information relating to
18 heirs.

19 “(7) If the decedent died testate, the names and post-office addresses of the devisees, and the
20 ages of any who are minors. If the will devises property to a person who did not survive the
21 decedent or who is otherwise not entitled to receive the devise, the petition must include a state-
22 ment explaining why the devise failed. If the petitioner knows of any actual or possible omissions
23 from the list of devisees, the petition must include a statement indicating that there are omissions
24 from the information relating to devisees.

25 “(8) The name and post-office address of any person asserting an interest in the estate, or on
26 whose behalf an interest has been asserted, based on a contention that:

27 “(a) The will alleged in the petition to be the will of the decedent is ineffective in whole or part;

28 “(b) There exists a will that has not been alleged in the petition to be the will of the decedent;

29 or

30 “(c) The decedent agreed, promised or represented that the decedent would make or revoke a
31 will or devise, or not revoke a will or devise, or die intestate.

32 “(9) The name and post-office address of any person asserting an interest in the estate, or on
33 whose behalf an interest has been asserted, based on a contention that a parent of the decedent
34 willfully deserted the decedent or neglected without just and sufficient cause to provide proper care
35 and maintenance for the decedent, as provided by ORS 112.047.

1 “(10) Whether the original of the last will of the decedent is in the possession of the court or
2 accompanies the petition. If the original will is not in the possession of the court or accompanying
3 the petition and an authenticated copy of the will probated in another jurisdiction does not accom-
4 pany the petition, the petition shall also state the contents of the will and indicate that it is lost,
5 destroyed or otherwise unavailable and that it was not revoked.

6 “(11) A statement of the extent and nature of assets of the estate, if any, to enable the court to
7 set the amount of bond of the personal representative.

8 “(12) If the petition states that no assets of the estate are known to the petitioner under sub-
9 section (11) of this section **and the petition is not filed under section 5, chapter __, Oregon**
10 **Laws 2019 (Enrolled House Bill 3008)**, a statement of the purpose for filing the petition.

11 “(13) **If the petition is filed under section 5, chapter __, Oregon Laws 2019 (Enrolled**
12 **House Bill 3008), a statement that the petitioner is filing the petition for the sole purpose**
13 **of pursuing a wrongful death claim, and the other information required under section 5,**
14 **chapter __, Oregon Laws 2019 (Enrolled House Bill 3008).”**

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