

## HOUSE AMENDMENTS TO RESOLVE CONFLICTS TO B-ENGROSSED SENATE BILL 454

By JOINT COMMITTEE ON WAYS AND MEANS

June 30

1 On page 1 of the printed B-engrossed bill, line 10, delete the first “and” and after “2018” insert  
2 “, and section 6, chapter 166, Oregon Laws 2019 (Enrolled House Bill 3008)”.

3 On page 17, after line 15, insert:

4 “**SECTION 41a. If House Bill 3007 becomes law, section 41 of this 2019 Act (amending ORS**  
5 **114.520) is repealed and ORS 114.520, as amended by section 6, chapter 165, Oregon Laws 2019**  
6 **(Enrolled House Bill 3007), is amended to read:**

7 “114.520. (1) If a decedent dies intestate and without heirs, a creditor of an estate who is a  
8 claiming successor may not file a small estate affidavit unless the creditor has received written  
9 authorization from the [*Department of State Lands*] **State Treasurer**. Except as provided by rule  
10 adopted by the [*Director of the Department of State Lands*] **State Treasurer**, the [*department*] **State**  
11 **Treasurer** shall consent to the filing of a small estate affidavit by a creditor only if it appears after  
12 investigation that the estate is insolvent.

13 “(2) A creditor of an estate who is subject to subsection (1) of this section may give written  
14 notice to the [*Department of State Lands*] **State Treasurer** informing the [*department*] **State**  
15 **Treasurer** that the creditor intends to file a small estate affidavit. Upon receiving the notice per-  
16 mitted by this subsection, the [*department*] **State Treasurer** shall investigate the assets and liabil-  
17 ities of the estate. Within 30 days after receiving the notice required by this subsection, the  
18 [*department*] **State Treasurer** shall either:

19 “(a) Give written authorization to the creditor for the filing of a small estate affidavit by the  
20 creditor; or

21 “(b) Inform the creditor that the [*Department of State Lands*] **State Treasurer** will file a small  
22 estate affidavit as claiming successor.

23 “(3) If a decedent dies intestate and without heirs, a creditor of an estate who is a claiming  
24 successor and who files a small estate affidavit must notate at the top of the affidavit that the affi-  
25 davit is being filed by a creditor of the estate. If the affidavit contains the notation required by this  
26 subsection, the clerk of the probate court may not accept the affidavit for filing unless there is at-  
27 tached to the affidavit written authorization for the filing of the affidavit by the creditor from the  
28 [*Department of State Lands*] **State Treasurer**. The written authorization may be a copy of a memo-  
29 randum of an interagency agreement between the [*Department of State Lands*] **State Treasurer** and  
30 another state agency.

31 “**SECTION 41b.** Section 6, chapter 166, Oregon Laws 2019 (Enrolled House Bill 3008), is  
32 amended to read:

33 “**Sec. 6.** (1) A personal representative appointed under section 5, **chapter 166, Oregon Laws**  
34 **2019 (Enrolled House Bill 3008)**, [*of this 2019 Act*] shall deliver or mail to the beneficiaries at their  
35 last-known address information that must include:

1       “(a) The title of the court in which the estate proceeding is pending and the case number;

2       “(b) The name of the decedent and the place and date of the death of the decedent;

3       “(c) The name and address of the personal representative, the attorney representing the personal

4 representative in the wrongful death action and the attorney representing the personal represen-

5 tative in the probate proceeding;

6       “(d) The date of the appointment of the personal representative; and

7       “(e) A statement advising the beneficiaries that the rights of the beneficiaries may be affected

8 by the proceeding and that additional information may be obtained from the records of the court,

9 the personal representative or the attorney for the personal representative.

10       “(2) If the personal representative is a beneficiary named in the petition, the personal repre-

11 sentative is not required to deliver or mail the information under this section to the personal rep-

12 resentative.

13       “(3) Within 30 days after the date of appointment the personal representative shall cause to be

14 filed in the estate proceeding proof of the delivery or mailing required by this section or a waiver

15 of notice as provided under ORS 111.225. The proof must include a copy of the information delivered

16 or mailed and the names of the persons to whom it was delivered or mailed.

17       “(4) If before the filing of the motion to close the estate under section 8, **chapter 166, Oregon**

18 **Laws 2019 (Enrolled House Bill 3008)**, [of this 2019 Act] the personal representative has actual

19 knowledge that the petition did not include the name and address of any beneficiary, the personal

20 representative shall:

21       “(a) Make reasonable efforts under the circumstances to ascertain the names and addresses of

22 the beneficiaries that were not included;

23       “(b) Promptly deliver or mail information specified in subsection (1) of this section to each

24 beneficiary located after the filing of the petition and before the filing of the motion to close the

25 estate under section 8, **chapter 166, Oregon Laws 2019 (Enrolled House Bill 3008)**, [of this 2019

26 Act] and to the [Department of State Lands] **State Treasurer**; and

27       “(c) File in the estate proceeding, on or before filing the motion to close the estate under section

28 **8, chapter 166, Oregon Laws 2019 (Enrolled House Bill 3008)** [of this 2019 Act], proof of compli-

29 ance with this subsection or a waiver of notice as provided under ORS 111.225.

30       “(5) Within 30 days after the appointment of the personal representative, the personal repre-

31 sentative must mail or deliver the following information to the Department of Human Services and

32 the Oregon Health Authority:

33       “(a) The title of the court in which the estate proceeding is pending and the case number;

34       “(b) The name of the decedent and the place and date of the death of the decedent;

35       “(c) The name and address of the personal representative, the attorney representing the personal

36 representative in the wrongful death action and the attorney representing the personal represen-

37 tative in the probate proceeding;

38       “(d) The date of the appointment of the personal representative; and

39       “(e) Any other information required by rule of the department or the authority.”.

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