

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO
HOUSE BILL 3006**

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
3 by section 1 of this 2019 Act, is amended to read:

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

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

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

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

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

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

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

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

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

11 “(a) The will alleged in the petition to be the will of the decedent is in-
12 effective in whole or part;

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

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

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

23 “(10) Whether the original of the last will of the decedent is in the pos-
24 session of the court or accompanies the petition. If the original will is not
25 in the possession of the court or accompanying the petition and an
26 authenticated copy of the will probated in another jurisdiction does not ac-
27 company the petition, the petition shall also state the contents of the will
28 and indicate that it is lost, destroyed or otherwise unavailable and that it
29 was not revoked.

30 “(11) A statement of the extent and nature of assets of the estate, if any,

1 to enable the court to set the amount of bond of the personal representative.

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

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

11
