

**Testimony before the House Judiciary Committee  
in support of SB 308 A  
On behalf of the Oregon State Bar  
Estate Planning and Administration Section**

March 9, 2023

Chair Kropf and Members of the Committee:

My name is June Wiyrick Flores. I am an attorney in Portland. I am here today as a representative of the Oregon State Bar's Estate Planning and Administration Section. The Section is made up of over 1,200 attorneys from all parts of Oregon, who represent clients both in preparing plans for their estates helping families resolve those plans when someone passes.

The Oregon State Bar (OSB) is a public corporation and an instrumentality of the court with over 15,000 active members. The Oregon State Bar serves the public interest by: regulating the legal profession and improving the quality of legal services; supporting the judiciary and improving the administration of justice; and advancing a fair, inclusive and accessible justice system.

**Senate Bill 308 A**

Senate Bill 308 A changes the name of the small estate affidavit to a simple estate affidavit and permits the process to be used in an additional situation.

Currently a small estate affidavit may be filed if the estate has not more than \$75,000 in personal property and not more than \$200,000 in real property. This bill will allow the simple estate affidavit to also be used if any excess value of the estate is attributable entirely to property that was devised to the trustee of a trust of which the decedent was the settlor, and which was created before the decedent's death.

The bill was amended in the Senate after consultation with stakeholders. This bill now includes a requirement to include a copy of the trust agreement or a certification of the trust with the affidavit as part of the submission to the court.

This bill will eliminate the need for many individuals to go through a costly probate process, when the majority of the estate is already contained within a trust and there are few, if any, decisions for a probate court to make.

Thank you for your consideration of SB 308 A. I am happy to answer any questions.