

**SB 744 STAFF MEASURE SUMMARY**

**Senate Committee On Judiciary**

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**Meeting Dates:** 3/3

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**WHAT THE MEASURE DOES:**

The measure makes it mandatory for the court to require a person who petitions for appointment of a personal representative to make a reasonable attempt to locate and notify persons of higher priority that the proposed personal representative. The measure applies to estates of decedents commenced on or after the effective date.

**ISSUES DISCUSSED:**

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**

OS 113.035 allows any interested person to petition for the appointment of a personal representative, and for the probate of a will if applicable. The petitioner must supply certain information in the petition, including the names and addresses of any would-be heirs to the estate, any persons to whom property is devised in a will, and any person asserting an interest in the estate. The petitioner must also include a statement that a reasonable effort has been made to locate all heirs of the decedent. ORS 113.085 sets an order of priority for the court appointment of a personal representative. ORS 113.085(2) permits the court to require a petitioner to notify persons of higher priority that the proposed personal representative. This section was added to the statute in 2017 by House Bill 2986, a product of the Oregon Law Commission’s Probate Modernization Work Group.