

SB 168 A STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 4/15, 4/22

WHAT THE MEASURE DOES:

The measure makes several changes to estate laws, including how to show parentage for intestate succession, what property is excluded from the simple estate affidavit limit, when the harmless error law applies, and what kind of discovery is allowed in a probate case.

Detailed Summary

- Reverts the test for establishing parentage for intestate succession back to whether the person can meet either one of two criteria, instead of both.
- Excludes the value of property from the simple estate affidavit value limit when the property is given by a will to a trustee of a trust created by the decedent.
- Adds a requirement to the harmless error law that the writing be signed by the decedent or at the decedent's direction at any time during the decedent's lifetime, excluding electronic records or images. Applies the change to writings of a decedent who died on or after the measure's effective date.
- Adds requests for admissions to the discovery tools that can be used in contested probate proceedings.

FISCAL: No fiscal impact

REVENUE: No revenue impact

SENATE VOTE: Ayes, 28; Nays, 0

ISSUES DISCUSSED:

- 2017 error created conjunctive test for proving parentage for intestate succession
- Oregon Law Commission Probate Modernization Workgroup changes to ORS Chapter 111 in 2015
- Oregon Law Commission's intent for this measure to not impact currently pending court cases

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The [Estate Planning and Administration Section](#) of the Oregon State Bar is a non-exclusive group of attorneys who practice this area of law, and who recommend changes in laws relating to estates, among other activities. Senate Bill 168 A is a compilation of such recommendations. An estate is the combination of assets and liabilities left by a deceased person. Intestate succession sets an order of priority among a deceased person's relations for assets not effectively devised in a will. Simple estates are estates that have value under a specified threshold, and benefit from a faster and usually less expensive process in court than probate. A probate is a type of court proceeding opened for the purpose of administering an estate, where the court appoints a personal representative of the estate and supervises the administration of it.