

## A-Engrossed Senate Bill 15

Ordered by the Senate March 31  
Including Senate Amendments dated March 31

Sponsored by Senator THATCHER; Senators GIROD, SMITH DB, Representative RESCHKE (Presession filed.)

### SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure. The statement includes a measure digest written in compliance with applicable readability standards.

**Digest: The Act expands the list of estates that can use the simple estate process and changes how the values of those estates are added up. The Act also keeps the current probate filing fees for the new type of simple estates. (Flesch Readability Score: 70.4).**

*[Digest: The Act changes the limits on the fair market value of assets for simple estates. (Flesch Readability Score: 67.5).]*

*[Modifies the fair market value limitations for simple estate affidavits.]*

**Expands the types of estates that may use the simple estate process to administer a decedent's estate. Modifies the calculation of fair market values of assets and retains application of the current probate filing fees for the new type of simple estates. Directs the State Court Administrator to adjust asset value limitations for the new type of simple estates annually for inflation.**

### A BILL FOR AN ACT

Relating to simple estates; creating new provisions; and amending ORS 21.145, 21.170, 114.510, 114.515, 114.525 and 238.390.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** ORS 114.510 is amended to read:

114.510. (1) A person who meets the requirements of ORS 114.515 may file a simple estate affidavit only with regard to an estate in which:

(a)(A) **The decedent died testate or intestate; and**

**(B) The fair market value of the estate is \$275,000 or less, of which:**

[(A)] (i) Not more than \$75,000 *[of the fair market value of the estate]* is attributable to personal property **other than manufactured homes**; and

[(B)] (ii) Not more than \$200,000 *[of the fair market value of the estate]* is attributable to **the combined fair market value of real property and manufactured homes**; *[or]*

**(b)(A) The decedent died testate;**

**(B) The fair market value of the estate is greater than \$275,000 but less than \$1,000,000, of which:**

**(i) Not more than \$250,000 is attributable to personal property; and**

**(ii) Not more than \$750,000 is attributable to real property; and**

**(C) The sole distributee of the decedent's estate is the sole devisee under the decedent's will; or**

[(b)] **(c)(A) The decedent died testate; and**

**(B) The fair market value of the estate is greater than \$275,000, of which:**

[(A)] (i) Not more than \$75,000 *[of the fair market value of the estate]* is attributable to specif-

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

ically devised personal property;

[(B)] (ii) Not more than \$200,000 [*of the fair market value of the estate*] is attributable to specifically devised real property; and

[(C)] (iii) The [*balance*] **remainder** of the fair market value of the estate is attributable to property that is devised to the trustee of a trust of which the decedent was a settlor, as defined in ORS 130.010, and which came into existence prior to the decedent's date of death.

(2)(a) The fair market value of the estate under subsection (1) of this section shall be determined:

(A) As of the date of death; or

(B) If the date of death is more than one year before the date of filing of the affidavit, as of a date within 45 days before the filing of the affidavit.

(b) In determining fair market value under this subsection, the fair market value of the entire interest in the property included in the estate shall be used without reduction for liens or other debts.

**(3) Beginning in 2026, and every year thereafter, the State Court Administrator shall determine the percentage increase or decrease in the cost of living for the previous calendar year, based on changes in the Consumer Price Index for All Urban Consumers, West Region (All Items), as published by the Bureau of Labor Statistics of the United States Department of Labor. On or before July 1 of the year in which the State Court Administrator makes the determination required by this subsection, the State Court Administrator shall adjust the limitations imposed under subsection (1)(b) of this section for the following calendar year by multiplying the limitation amounts applicable to the calendar year in which the adjustment is made by the percentage amount determined under this subsection. The State Court Administrator shall round the adjusted limitation amount to the nearest \$100, but the unrounded amount shall be used to calculate the adjustments to the limitations in subsequent calendar years. The adjusted limitation becomes effective on July 1 of the year in which the adjustment is made, and applies to simple estate affidavits filed on or after July 1 of that year and before July 1 of the subsequent year.**

**(4) As used in this section, "manufactured home" means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.**

**SECTION 2.** ORS 114.515 is amended to read:

114.515. (1) If the estate of a decedent meets the requirements of ORS 114.510, any of the following persons may file a simple estate affidavit with the clerk of the probate court in any county where there is venue for a proceeding seeking the appointment of a personal representative for the estate:

(a) One or more of the claiming successors of the decedent.

(b) If the decedent died testate, any person named as personal representative in the decedent's will.

(c) The Director of Human Services, the Director of the Oregon Health Authority or an attorney approved under ORS 114.517, if the decedent received public assistance as defined in ORS 411.010, received medical assistance as defined in ORS 414.025 or received care at an institution as defined in ORS 179.010, and it appears that the assistance or the cost of care may be recovered from the

estate of the decedent.

(2) A person may not file a simple estate affidavit if:

(a) The person would be disqualified from acting as a personal representative under ORS 113.095; or

(b) The person has been convicted of a felony in Oregon or in another jurisdiction.

(3) A simple estate affidavit may not be filed until 30 days after the death of the decedent.

(4) A simple estate affidavit must contain the information required in ORS 114.525 and shall be made a part of the probate records. If the affiant is an attorney approved by the Director of Human Services or the Director of the Oregon Health Authority, a copy of the document approving the attorney must be attached to the affidavit.

(5)(a) The clerk of the probate court shall charge and collect the *[fee established under ORS 21.145]* **following fees** for the filing of a simple estate affidavit, *except that a fee may not be charged or collected for the filing of an amended affidavit.*:

**(A) The filing fee required under ORS 21.145 if the simple estate affidavit is regarding an estate described in ORS 114.510 (1)(a) or (c).**

**(B) The filing fee required under ORS 21.170 if the simple estate affidavit is regarding an estate described in ORS 114.510 (1)(b).**

**(b) The clerk of the probate court may not charge or collect a filing fee for an amended simple estate affidavit.**

(6)(a) Except as provided in subsection (7) of this section, the affiant shall file an amended simple estate affidavit in the following circumstances:

(A) To correct a material error or omission in a previous affidavit.

(B) To include property not described in a previous affidavit.

(b) The amended affidavit must include all information required under ORS 114.525 and state the value of the property as of the date used to prepare the original affidavit.

(7)(a) *[If the fair market value of the property of the estate exceeds the value limitations for a simple estate under ORS 114.510 (1)(a) or the decedent's testamentary bequests do not meet the requirements of ORS 114.510 (1)(b), an affiant may not file an amended simple estate affidavit under subsection (6) of this section and the affiant's authority with regard to the estate is terminated, except that the affiant shall]* **An affiant may not file an amended simple estate affidavit under subsection (6) of this section, and, except as provided in paragraph (b)(A) of this subsection, the affiant's authority with regard to the estate is terminated if:**

**(A) The simple estate is subject to the fair market property value limitations under ORS 114.510 (1)(a) or (b) and the estate exceeds those value limitations; or**

**(B) The simple estate is subject to the distribution requirements under ORS 114.510 (1)(b) or (c) and the decedent's estate does not meet those requirements.**

**(b) If an affiant's authority is terminated under paragraph (a) of this subsection, the affiant shall:**

**(A) Deliver the assets of the estate in the affiant's possession upon request by a personal representative appointed under ORS 113.085[.]; and**

**(B) *[The affiant shall]* Promptly file notice with the court that the estate of the decedent is not subject to ORS 114.505 to 114.560 and *[shall]* serve a copy of the notice on each person who received a copy of the previous affidavit.**

(8) The clerk of the probate court may acknowledge a simple estate affidavit upon presentation of the identification of the affiant and the affiant's statement under penalty of perjury.

**SECTION 3.** ORS 21.145 is amended to read:

21.145. In the following proceedings, a circuit court shall collect a filing fee of \$124 when a complaint or other document is filed for the purpose of commencing an action or other proceeding and at the time of filing an answer or other first appearance in the proceeding:

(1) Applications for change of name under ORS 33.410.

(2) Applications for a legal change of sex under ORS 33.460.

(3) Guardianship proceedings under ORS chapter 125.

**(4) Filing of a simple estate affidavit regarding an estate described in ORS 114.510 (1)(a) or (c).**

[(4)] (5) Any other action or proceeding that is statutorily made subject to the fee established by this section.

**SECTION 4.** ORS 21.170 is amended to read:

21.170. (1) Except as provided in ORS 114.515 (5), a probate court shall collect the following filing fees for the filing of a petition for the appointment of personal representative:

(a) If the value of the estate is less than \$50,000, \$278.

(b) If the value of the estate is \$50,000 or more, but less than \$1 million, \$591.

(c) If the value of the estate is \$1 million or more, but less than \$10 million, \$882.

(d) If the value of the estate is \$10 million or more, \$1,176.

(2) A probate court shall collect the following fees for an annual or final accounting filed in a probate proceeding:

(a) If the value of the estate is less than \$50,000, \$35.

(b) If the value of the estate is \$50,000 or more, but less than \$1 million, \$298.

(c) If the value of the estate is \$1 million or more, but less than \$10 million, \$591.

(d) If the value of the estate is \$10 million or more, \$1,176.

(3) For the purpose of determining the value of the estate under this section, the amount of a settlement in a wrongful death action brought for the benefit of the decedent's surviving spouse or dependents is not part of the estate.

(4) A person filing an appearance in a probate proceeding must pay the fee established under ORS 21.135.

(5) The fees established under this section apply to county courts exercising probate jurisdiction.

**SECTION 5.** ORS 114.525 is amended to read:

114.525. (1) A simple estate affidavit must:

(a) Contain a notice in substantially the following form, printed in at least 14-point bold type immediately below the caption on the first page of the simple estate affidavit:

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**NOTICE OF DUTY TO PAY DEBT OR  
TURN OVER PROPERTY**

To: Any person to whom a copy of this simple estate affidavit is mailed or delivered.

Under ORS 114.535, if you owe a debt to the decedent or have personal property of the decedent, you must pay the debt or turn over the property to the affiant. If you refuse, the affiant may ask the court to compel you to pay the debt or turn over the property and you could be responsible for the affiant's attorney fees.

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(b) State the name and post-office address of the affiant.

(c) State the authority under which the affiant is filing the simple estate affidavit, as provided in ORS 114.515.

(d) State that the simple estate affidavit is made under ORS 114.505 to 114.560.

(e) State the name, age, domicile and post-office address and last four digits of the Social Security number of the decedent.

(f) State the date and place of the decedent's death.

(g) Describe and state the fair market value of all property in the estate, valued as provided in ORS 114.510, including a legal description of any real property.

(h) State that no personal representative of the estate has been appointed in Oregon, that there is no pending petition for appointment of a personal representative of the estate in Oregon and that the estate is not currently being administered in Oregon.

(i) State whether the decedent died testate or intestate.

(j) List the heirs of the decedent and the last address of each heir as known to the affiant, and state that a copy of the affidavit showing the date of filing and a copy of the will, if the decedent died testate, will be delivered to each heir or mailed to the heir at the last-known address.

(k) If the decedent died testate, list the devisees of the decedent and the last address of each devisee as known to the affiant and state that a copy of the will and a copy of the affidavit showing the date of filing will be delivered to each devisee or mailed to the devisee at the last-known address.

(L) State the interest in the property described in the affidavit to which each heir or devisee is entitled and the interest, if any, that will escheat.

(m) State that reasonable efforts have been made to ascertain creditors of the estate.

(n) List the claims against the estate that are undisputed by the affiant and that remain unpaid or on account of which the affiant or any other person is entitled to reimbursement from the estate, including the known or estimated amounts of the claims and the names and addresses of the creditors as known to the affiant, and state that a copy of the affidavit showing the date of filing will be delivered to each creditor who has not been paid in full or mailed to the creditor at the last-known address.

(o) Separately list the name and address of each person known to the affiant to assert a claim against the estate that the affiant disputes and the known or estimated amount of the claims disputed by the affiant and state that a copy of the affidavit showing the date of filing will be delivered to each such person or mailed to the person at the last-known address.

(p)(A) State the mailing address for presentment of claims; and

(B) If the affiant wishes to authorize creditors to present claims by electronic mail or facsimile communication, state the electronic mail address or facsimile number for presentment of claims.

(q) List anticipated administrative expenses and attorney fees, if any.

(r) State that the affiant is not disqualified from acting as an affiant under ORS 114.515 (2).

(s) State that a copy of the affidavit showing the date of filing and a copy of the death record will be mailed or delivered to the Department of Human Services or to the Oregon Health Authority, as prescribed by rule by the department or authority.

(t) State, to the best of the affiant's knowledge, whether the decedent was incarcerated in a correctional facility in this state at any time in the 15 years before the decedent's death and, if the decedent was incarcerated in a correctional facility in this state at any time in the 15 years before

1 the decedent's death, state that a copy of the affidavit showing the date of filing and a copy of the  
2 death record will be mailed or delivered to the Department of Corrections.

3 (u) State that undisputed claims against the estate will be paid as provided in ORS 114.545.

4 (v) State that claims against the estate not listed in the affidavit or in amounts larger than those  
5 listed in the affidavit may be barred unless:

6 (A) A claim is presented to the affiant within four months of the filing of the affidavit or  
7 amended affidavit at the address, electronic mail address or facsimile number stated in the affidavit  
8 for presentation of claims; or

9 (B) A petition for appointment of a personal representative of the estate is filed within the time  
10 allowed under ORS 114.555.

11 (w) If the affidavit lists one or more claims that the affiant disputes, state that any such claim  
12 may be barred unless:

13 (A) A petition for summary determination is filed within four months of the filing of the affidavit;  
14 or

15 (B) A petition for appointment of a personal representative of the estate is filed within the time  
16 allowed under ORS 114.555.

17 (2) The affiant shall file a certified copy of the death record of the decedent as a confidential  
18 document.

19 (3) If the decedent died testate, the affiant shall file simultaneously with the simple estate affi-  
20 davit:

21 (a)(A) The original will; or

22 (B) If the original will is filed in an estate proceeding in another jurisdiction, a certified copy  
23 of the original will; and

24 (b) Proof of the will meeting the requirements of ORS 113.055.

25 (4) If the simple estate affidavit is filed under ORS 114.510 [(1)(b)] **(1)(c)**, the affiant shall also  
26 file simultaneously with the simple estate affidavit a copy of the trust instrument or a certification  
27 of the trust under ORS 130.860.

28 **SECTION 6.** ORS 238.390 is amended to read:

29 238.390. (1) If a member of the system dies before retiring, the amount of money, if any, credited  
30 at the time of death to the member account of the member in the fund shall be paid to the benefi-  
31 ciaries designated by the member. For this purpose a member may designate as a beneficiary any  
32 person or the executor or administrator of the estate of the member or a trustee named by the  
33 member to execute an express trust in regard to such amount. The termination of a person's mem-  
34 bership in the system pursuant to ORS 238.095 (1) or (2) invalidates any designation of beneficiary  
35 made by the person before the termination of membership.

36 (2)(a) If a member dies before retiring and has not designated a beneficiary under subsection (1)  
37 of this section, or if the designated beneficiary or beneficiaries do not survive the member, the  
38 Public Employees Retirement Board shall pay the amount of money, if any, credited at the time of  
39 death to the member account of the deceased member to the following person or persons, in the  
40 following order of priority:

41 (A) The member's surviving spouse or other person who is constitutionally required to be  
42 treated in the same manner as a spouse;

43 (B) The member's surviving children, in equal shares; or

44 (C) The member's estate.

45 (b) If a simple estate affidavit has been filed under ORS 114.515, the board shall pay the amount

to the person who filed the affidavit if:

(A) The member's estate is the designated beneficiary or is receiving the payment under paragraph (a) of this subsection; and

(B)(i) The estate of the decedent remains within the limits prescribed by ORS 114.510 (1)(a) **or** **(b)** after consideration of the amount of money credited at the time of death to the member account; or

(ii) The estate of the decedent meets the requirements of ORS 114.510 [(1)(b)] **(1)(c)**.

(3) A beneficiary under subsection (1) or (2) of this section may elect to receive the amount payable in actuarially determined monthly payments for the life of such beneficiary as long as such monthly payments are at least \$200.

(4) Accrued benefits due a retired member at the time of death are payable to the designated beneficiary or as provided in subsection (2) of this section. For the purpose of determining accrued benefits due a retired member at the time of death, accrued benefits are considered to have ceased as of the last day of the month preceding the month in which the retired member dies; but if Option 2 or Option 3 under ORS 238.305 has been elected as provided in this chapter and the beneficiary survives the retired member, the benefits to the beneficiary shall commence as of the first day of the month in which the retired member dies, and payment of benefits under Option 2 or Option 3 shall cease with the payment for the month preceding the month in which the beneficiary dies.

(5) If a member dies before retiring and has designated a beneficiary under subsection (1) of this section, but the beneficiary dies after the member and before distribution is made under this section, the Public Employees Retirement Board shall pay the amount of money, if any, that would otherwise have been paid to the beneficiary to a personal representative appointed for the estate of the deceased beneficiary. If a simple estate affidavit regarding the deceased beneficiary's estate has been filed under ORS 114.515, the board shall pay the amount to the person who filed the simple estate affidavit if, **as applicable**:

(a) The estate of the deceased beneficiary remains within the limits prescribed by ORS 114.510 (1)(a) **or** **(b)** after consideration of the amount of money that would have been payable to the deceased beneficiary; or

(b) The estate of the deceased beneficiary meets the requirements of ORS 114.510 [(1)(b)] **(1)(c)**.

(6) Interest upon the member account of the member shall accrue until the date that the amount in the member account is distributed. Any balance in the variable account of the deceased member is considered to be transferred to the regular account of the member as of the date of death. The board shall establish procedures for computing and crediting interest on the balance in the member account for the period between the date of death and date of distribution.

(7) Payment by the board of amounts in the manner provided by this section completely discharges the board and system on account of the death, and shall hold the board and system harmless from any claim for wrongful payment.

**SECTION 7. The amendments to ORS 21.145, 21.170, 114.510, 114.515, 114.525 and 238.390 by sections 1 to 6 of this 2025 Act apply to estates of decedents dying on or after the effective date of this 2025 Act.**