

(Including Amendments to Resolve Conflicts)

B-Engrossed Senate Bill 15

Ordered by the House May 28
Including Senate Amendments dated March 31 and House Amendments
dated May 28

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 changes how to calculate the fair market values of assets for some estates. (Flesch Readability Score: 67.5).

[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).]

[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.]

Modifies calculations of the fair market value of simple estate assets by excluding the values of manufactured homes from the asset limits for personal property and including the values of manufactured homes in the assets limits for real property.

A BILL FOR AN ACT

Relating to simple estates; creating new provisions; and amending ORS 114.510.

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

(B) 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) The decedent died testate and:

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

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

(C) The balance 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:

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.

1 (A) As of the date of death; or

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

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

7 **(3) As used in this section, “manufactured home” means a structure constructed for**
8 **movement on the public highways that has sleeping, cooking and plumbing facilities, that is**
9 **intended for human occupancy, that is being used for residential purposes and that was**
10 **constructed in accordance with federal manufactured housing construction and safety stan-**
11 **dards and regulations in effect at the time of construction.**

12 **SECTION 1a. If Senate Bill 168 becomes law, section 1 of this 2025 Act (amending ORS**
13 **114.510) is repealed and ORS 114.510, as amended by section 2, chapter 34, Oregon Laws 2025**
14 **(Enrolled Senate Bill 168), is amended to read:**

15 114.510. (1) A person who meets the requirements of ORS 114.515 may file a simple estate affi-
16 davit only with regard to an estate in which:

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

19 (B) Not more than \$200,000 of the fair market value of the estate is attributable to **the com-**
20 **bined fair market value of** real property **and manufactured homes**; or

21 (b) The decedent died testate and:

22 (A) Not more than \$75,000 of the fair market value of the estate is attributable to personal
23 property **other than manufactured homes** that is specifically devised to devisees other than the
24 trustee of a trust described in subparagraph (C) of this paragraph;

25 (B) Not more than \$200,000 of the fair market value of the estate is attributable to real property
26 **and manufactured homes** that is specifically devised to devisees other than the trustee of a trust
27 described in subparagraph (C) of this paragraph; and

28 (C) The balance of the fair market value of the estate is attributable to property that is devised
29 to the trustee of a trust of which the decedent was a settlor, as defined in ORS 130.010, and which
30 came into existence prior to the decedent’s date of death.

31 (2)(a) The fair market value of the estate under subsection (1) of this section shall be deter-
32 mined:

33 (A) As of the date of death; or

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

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

39 **(3) As used in this section, “manufactured home” means a structure constructed for**
40 **movement on the public highways that has sleeping, cooking and plumbing facilities, that is**
41 **intended for human occupancy, that is being used for residential purposes and that was**
42 **constructed in accordance with federal manufactured housing construction and safety stan-**
43 **dards and regulations in effect at the time of construction.**

44 **SECTION 2. The amendments to ORS 114.510 by section 1 of this 2025 Act apply to estates**
45 **of decedents dying on or after the effective date of this 2025 Act.**

1 **SECTION 2a.** If Senate Bill 168 becomes law, section 2 of this 2025 Act is amended to read:
2 **Sec. 2.** The amendments to ORS 114.510 by section [1] **1a** of this 2025 Act apply to estates of
3 decedents dying on or after the effective date of this 2025 Act.

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