

Senate Bill 744

Sponsored by Senator GELSER BLOUIN (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 **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act makes a person asking the probate court to do a thing to try to find and give notice to certain people. (Flesch Readability Score: 76.8).

Requires the petitioner in an intestate estate to make a reasonable effort to find persons of a higher priority of appointment before the court may appoint a personal representative.

A BILL FOR AN ACT

1 Relating to intestate estates; creating new provisions; and amending ORS 113.085.

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

3 **SECTION 1.** ORS 113.085 is amended to read:

4 113.085. (1) Except as provided in subsection (3) of this section, upon the filing of the petition
5 under ORS 113.035, if there is no will or if there is a will and it has been proved, the court shall
6 appoint a qualified person the court finds suitable as personal representative, giving preference in
7 the following order:
8

9 (a) The personal representative named in the will.

10 (b) If the surviving spouse of the decedent is a distributee of the estate, the surviving spouse
11 of the decedent or the nominee of the surviving spouse of the decedent.

12 (c) If the person is a distributee of the estate, a person who would be entitled to property of the
13 decedent under intestate succession.

14 (d) Any other distributee of the estate.

15 (e) The Director of Human Services or the Director of the Oregon Health Authority, or an at-
16 torney approved under ORS 113.086, if the decedent received public assistance as defined in ORS
17 411.010, received medical assistance as defined in ORS 414.025 or received care at an institution
18 described in ORS 179.321 (1) and it appears that the assistance or the cost of care may be recovered
19 from the estate of the decedent.

20 (f) The Department of Veterans' Affairs, if the decedent was a protected person under ORS
21 406.050 (10) and the department has joined in the petition for such appointment.

22 (g) Any other person.

23 (2) Before the court appoints a personal representative under subsection (1)(b) to (g) of this
24 section, the court [*may*] **shall** require the petitioner to make a reasonable attempt to **locate and**
25 notify persons of higher priority than the proposed personal representative under [*subsection (1)(b)*
26 *to (g) of*] this section.

27 (3) Except as provided in subsection (4) of this section, the court shall appoint the State Treas-
28 urer as personal representative if it appears that the decedent died wholly intestate and without
29 known heirs. The Attorney General shall represent the State Treasurer in the administration of the
30 estate. The State Treasurer shall deposit any funds received by the State Treasurer in the capacity

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 of personal representative in accounts, separate and distinct from the General Fund, established in
2 the State Treasury. Interest earned by such account shall be credited to that account.

3 (4) The court may appoint a person other than the State Treasurer to administer the estate of
4 a decedent who died wholly intestate and without known heirs if the person filing a petition under
5 ORS 113.035 attaches written authorization from the State Treasurer approving the filing of the
6 petition by the person. Except as provided by rule adopted by the State Treasurer, the State
7 Treasurer may consent to the appointment of another person to act as personal representative only
8 if it appears after investigation that the estate is insolvent.

9 **SECTION 2. The amendments to ORS 113.085 by section 1 of this 2025 Act apply to estates**
10 **of decedents commenced on or after the effective date of this 2025 Act.**

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