

Requested by Senator THATCHER

**PROPOSED AMENDMENTS TO
SENATE BILL 15**

1 On page 1 of the printed bill, line 2, before the period insert “, 114.515,
2 114.525 and 238.390”.

3 Delete lines 4 to 30 and delete page 2 and insert:

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

5 “114.510. (1) A person who meets the requirements of ORS 114.515 may file
6 a simple estate affidavit only with regard to an estate in which:

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

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

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

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

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

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

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

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

18 **“(C) The sole distributee of the decedent’s estate is the sole devisee**
19 **under the decedent’s will; or**

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

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

1 **of which:**

2 “[A] (i) Not more than \$75,000 [*of the fair market value of the estate*] is
3 attributable to specifically devised personal property;

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

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

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

12 “(A) As of the date of death; or

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

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

18 “(3) **Beginning in 2026, and every year thereafter, the State Court**
19 **Administrator shall determine the percentage increase or decrease in**
20 **the cost of living for the previous calendar year, based on changes in**
21 **the Consumer Price Index for All Urban Consumers, West Region (All**
22 **Items), as published by the Bureau of Labor Statistics of the United**
23 **States Department of Labor. On or before July 1 of the year in which**
24 **the State Court Administrator makes the determination required by**
25 **this subsection, the State Court Administrator shall adjust the limi-**
26 **tations imposed under subsection (1)(b) of this 2025 Act for the fol-**
27 **lowing calendar year by multiplying the limitation amounts applicable**
28 **to the calendar year in which the adjustment is made by the percent-**
29 **age amount determined under this subsection. The State Court Ad-**
30 **ministrator shall round the adjusted limitation amount to the nearest**

1 **\$100, but the unrounded amount shall be used to calculate the adjust-**
2 **ments to the limitations in subsequent calendar years. The adjusted**
3 **limitation becomes effective on July 1 of the year in which the ad-**
4 **justment is made, and applies to simple estate affidavits filed on or**
5 **after July 1 of that year and before July 1 of the subsequent year.**

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

7 “114.515. (1) If the estate of a decedent meets the requirements of ORS
8 114.510, any of the following persons may file a simple estate affidavit with
9 the clerk of the probate court in any county where there is venue for a
10 proceeding seeking the appointment of a personal representative for the es-
11 tate:

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

13 “(b) If the decedent died testate, any person named as personal represen-
14 tative in the decedent’s will.

15 “(c) The Director of Human Services, the Director of the Oregon Health
16 Authority or an attorney approved under ORS 114.517, if the decedent re-
17 ceived public assistance as defined in ORS 411.010, received medical assist-
18 ance as defined in ORS 414.025 or received care at an institution as defined
19 in ORS 179.010, and it appears that the assistance or the cost of care may
20 be recovered from the estate of the decedent.

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

22 “(a) The person would be disqualified from acting as a personal repre-
23 sentative under ORS 113.095; or

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

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

28 “(4) A simple estate affidavit must contain the information required in
29 ORS 114.525 and shall be made a part of the probate records. If the affiant
30 is an attorney approved by the Director of Human Services or the Director

1 of the Oregon Health Authority, a copy of the document approving the at-
2 torney must be attached to the affidavit.

3 “(5) The clerk of the probate court shall charge and collect the fee es-
4 tablished under ORS 21.145 for the filing of a simple estate affidavit, except
5 that a fee may not be charged or collected for the filing of an amended af-
6 fidavit.

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

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

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

11 “(b) The amended affidavit must include all information required under
12 ORS 114.525 and state the value of the property as of the date used to pre-
13 pare the original affidavit.

14 “(7)(a) *[If the fair market value of the property of the estate exceeds the*
15 *value limitations for a simple estate under ORS 114.510 (1)(a) or the decedent’s*
16 *testamentary bequests do not meet the requirements of ORS 114.510 (1)(b), an*
17 *affiant may not file an amended simple estate affidavit under subsection (6)*
18 *of this section and the affiant’s authority with regard to the estate is termi-*
19 *nated, except that the affiant shall]* **An affiant may not file an amended**
20 **simple estate affidavit under subsection (6) of this section, and, except**
21 **as provided in paragraph (b)(A) of this subsection, the affiant’s au-**
22 **thority with regard to the estate is terminated if:**

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

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

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

1 “(A) Deliver **the** assets of the estate in the affiant’s possession upon re-
2 quest by a personal representative appointed under ORS 113.085[.]; **and**

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

7 “(8) The clerk of the probate court may acknowledge a simple estate af-
8 fidavit upon presentation of the identification of the affiant and the affiant’s
9 statement under penalty of perjury.

10 “**SECTION 3.** ORS 114.525 is amended to read:

11 “114.525. (1) A simple estate affidavit must:

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

15 “ _____
16 NOTICE OF DUTY TO PAY DEBT OR
17 TURN OVER PROPERTY
18

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

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

26 “ _____
27 “(b) State the name and post-office address of the affiant.
28 “(c) State the authority under which the affiant is filing the simple estate
29 affidavit, as provided in ORS 114.515.
30 “(d) State that the simple estate affidavit is made under ORS 114.505 to

1 114.560.

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

4 “(f) State the date and place of the decedent’s death.

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

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

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

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

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

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

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

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

1 or mailed to the creditor at the last-known address.

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

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

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

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

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

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

18 “(t) State, to the best of the affiant’s knowledge, whether the decedent
19 was incarcerated in a correctional facility in this state at any time in the
20 15 years before the decedent’s death and, if the decedent was incarcerated in
21 a correctional facility in this state at any time in the 15 years before the
22 decedent’s death, state that a copy of the affidavit showing the date of filing
23 and a copy of the death record will be mailed or delivered to the Department
24 of Corrections.

25 “(u) State that undisputed claims against the estate will be paid as pro-
26 vided in ORS 114.545.

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

29 “(A) A claim is presented to the affiant within four months of the filing
30 of the affidavit or amended affidavit at the address, electronic mail address

1 or facsimile number stated in the affidavit for presentation of claims; or

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

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

6 “(A) A petition for summary determination is filed within four months
7 of the filing of the affidavit; or

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

10 “(2) The affiant shall file a certified copy of the death record of the
11 decedent as a confidential document.

12 “(3) If the decedent died testate, the affiant shall file simultaneously with
13 the simple estate affidavit:

14 “(a)(A) The original will; or

15 “(B) If the original will is filed in an estate proceeding in another juris-
16 diction, a certified copy of the original will; and

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

18 “(4) If the simple estate affidavit is filed under ORS 114.510 [(1)(b)]
19 **(1)(c)**, the affiant shall also file simultaneously with the simple estate affi-
20 davit a copy of the trust instrument or a certification of the trust under ORS
21 130.860.

22 **“SECTION 4.** ORS 238.390 is amended to read:

23 “238.390. (1) If a member of the system dies before retiring, the amount
24 of money, if any, credited at the time of death to the member account of the
25 member in the fund shall be paid to the beneficiaries designated by the
26 member. For this purpose a member may designate as a beneficiary any per-
27 son or the executor or administrator of the estate of the member or a trustee
28 named by the member to execute an express trust in regard to such amount.
29 The termination of a person’s membership in the system pursuant to ORS
30 238.095 (1) or (2) invalidates any designation of beneficiary made by the

1 person before the termination of membership.

2 “(2)(a) If a member dies before retiring and has not designated a benefi-
3 ciary under subsection (1) of this section, or if the designated beneficiary or
4 beneficiaries do not survive the member, the Public Employees Retirement
5 Board shall pay the amount of money, if any, credited at the time of death
6 to the member account of the deceased member to the following person or
7 persons, in the following order of priority:

8 “(A) The member’s surviving spouse or other person who is constitu-
9 tionally required to be treated in the same manner as a spouse;

10 “(B) The member’s surviving children, in equal shares; or

11 “(C) The member’s estate.

12 “(b) If a simple estate affidavit has been filed under ORS 114.515, the
13 board shall pay the amount to the person who filed the affidavit if:

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

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

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

21 “(3) A beneficiary under subsection (1) or (2) of this section may elect to
22 receive the amount payable in actuarially determined monthly payments for
23 the life of such beneficiary as long as such monthly payments are at least
24 \$200.

25 “(4) Accrued benefits due a retired member at the time of death are pay-
26 able to the designated beneficiary or as provided in subsection (2) of this
27 section. For the purpose of determining accrued benefits due a retired mem-
28 ber at the time of death, accrued benefits are considered to have ceased as
29 of the last day of the month preceding the month in which the retired
30 member dies; but if Option 2 or Option 3 under ORS 238.305 has been elected

1 as provided in this chapter and the beneficiary survives the retired member,
2 the benefits to the beneficiary shall commence as of the first day of the
3 month in which the retired member dies, and payment of benefits under Op-
4 tion 2 or Option 3 shall cease with the payment for the month preceding the
5 month in which the beneficiary dies.

6 “(5) If a member dies before retiring and has designated a beneficiary
7 under subsection (1) of this section, but the beneficiary dies after the member
8 and before distribution is made under this section, the Public Employees
9 Retirement Board shall pay the amount of money, if any, that would other-
10 wise have been paid to the beneficiary to a personal representative appointed
11 for the estate of the deceased beneficiary. If a simple estate affidavit re-
12 garding the deceased beneficiary’s estate has been filed under ORS 114.515,
13 the board shall pay the amount to the person who filed the simple estate
14 affidavit if, **as applicable**:

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

18 “(b) The estate of the deceased beneficiary meets the requirements of ORS
19 114.510 [(1)(b)] **(1)(c)**.

20 “(6) Interest upon the member account of the member shall accrue until
21 the date that the amount in the member account is distributed. Any balance
22 in the variable account of the deceased member is considered to be trans-
23 ferred to the regular account of the member as of the date of death. The
24 board shall establish procedures for computing and crediting interest on the
25 balance in the member account for the period between the date of death and
26 date of distribution.

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

1 **“SECTION 5. The amendments to ORS 114.510, 114.515, 114.525 and**
2 **238.390 by sections 1 to 4 of this 2025 Act apply to estates of decedents**
3 **dying on or after the effective date of this 2025 Act.”.**

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