

Requested by Senator THATCHER

**PROPOSED AMENDMENTS TO
SENATE BILL 15**

1 On page 1 of the printed bill, line 2, delete “114.510” and insert “21.145,
2 21.170, 114.510, 114.515, 114.525 and 238.390”.

3 Delete lines 4 through 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 **other than manufactured homes**; and

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

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

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

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

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

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

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

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

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

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

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

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

13 “(A) As of the date of death; or

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

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

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

1 **trator shall round the adjusted limitation amount to the nearest \$100,**
2 **but the unrounded amount shall be used to calculate the adjustments**
3 **to the limitations in subsequent calendar years. The adjusted limita-**
4 **tion becomes effective on July 1 of the year in which the adjustment**
5 **is made, and applies to simple estate affidavits filed on or after July**
6 **1 of that year and before July 1 of the subsequent year.**

7 **“(4) As used in this section, ‘manufactured home’ means a struc-**
8 **ture constructed for movement on the public highways that has**
9 **sleeping, cooking and plumbing facilities, that is intended for human**
10 **occupancy, that is being used for residential purposes and that was**
11 **constructed in accordance with federal manufactured housing con-**
12 **struction and safety standards and regulations in effect at the time**
13 **of construction.**

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

15 **“114.515. (1) If the estate of a decedent meets the requirements of ORS**
16 **114.510, any of the following persons may file a simple estate affidavit with**
17 **the clerk of the probate court in any county where there is venue for a**
18 **proceeding seeking the appointment of a personal representative for the es-**
19 **tate:**

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

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

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

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

30 **“(a) The person would be disqualified from acting as a personal repre-**

1 tentative under ORS 113.095; or

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

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

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

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

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

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

19 “(b) **The clerk of the probate court may not charge or collect a fil-**
20 **ing fee for an amended simple estate affidavit.**

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

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

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

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

28 “(7)(a) [*If the fair market value of the property of the estate exceeds the*
29 *value limitations for a simple estate under ORS 114.510 (1)(a) or the decedent’s*
30 *testamentary bequests do not meet the requirements of ORS 114.510 (1)(b), an*

1 *affiant may not file an amended simple estate affidavit under subsection (6)*
2 *of this section and the affiant's authority with regard to the estate is termi-*
3 *nated, except that the affiant shall]* **An affiant may not file an amended**
4 **simple estate affidavit under subsection (6) of this section, and, except**
5 **as provided in paragraph (b)(A) of this subsection, the affiant's au-**
6 **thority with regard to the estate is terminated if:**

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

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

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

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

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

21 **“(8) The clerk of the probate court may acknowledge a simple estate af-**
22 **fidavit upon presentation of the identification of the affiant and the affiant's**
23 **statement under penalty of perjury.**

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

25 **“21.145. In the following proceedings, a circuit court shall collect a filing**
26 **fee of \$124 when a complaint or other document is filed for the purpose of**
27 **commencing an action or other proceeding and at the time of filing an an-**
28 **swer or other first appearance in the proceeding:**

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

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

1 “(3) Guardianship proceedings under ORS chapter 125.

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

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

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

7 “21.170. (1) Except as provided in ORS 114.515 (5), a probate court shall
8 collect the following filing fees for the filing of a petition for the appoint-
9 ment of personal representative:

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

11 “(b) If the value of the estate is \$50,000 or more, but less than \$1 million,
12 \$591.

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

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

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

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

19 “(b) If the value of the estate is \$50,000 or more, but less than \$1 million,
20 \$298.

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

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

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

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

30 “(5) The fees established under this section apply to county courts exer-

1 cising probate jurisdiction.

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

3 “114.525. (1) A simple estate affidavit must:

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

7 “ _____

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

10

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

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

18 “ _____

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

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

22 “(d) State that the simple estate affidavit is made under ORS 114.505 to
23 114.560.

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

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

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

30 “(h) State that no personal representative of the estate has been appointed

1 in Oregon, that there is no pending petition for appointment of a personal
2 representative of the estate in Oregon and that the estate is not currently
3 being administered in Oregon.

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

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

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

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

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

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

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

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

30 “(B) If the affiant wishes to authorize creditors to present claims by

1 electronic mail or facsimile communication, state the electronic mail address
2 or facsimile number for presentment of claims.

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

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

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

10 “(t) State, to the best of the affiant’s knowledge, whether the decedent
11 was incarcerated in a correctional facility in this state at any time in the
12 15 years before the decedent’s death and, if the decedent was incarcerated in
13 a correctional facility in this state at any time in the 15 years before the
14 decedent’s death, state that a copy of the affidavit showing the date of filing
15 and a copy of the death record will be mailed or delivered to the Department
16 of Corrections.

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

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

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

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

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

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

30 “(B) A petition for appointment of a personal representative of the estate

1 is filed within the time allowed under ORS 114.555.

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

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

6 “(a)(A) The original will; or

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

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

10 “(4) If the simple estate affidavit is filed under ORS 114.510 [(1)(b)]
11 **(1)(c)**, the affiant shall also file simultaneously with the simple estate affi-
12 davit a copy of the trust instrument or a certification of the trust under ORS
13 130.860.

14 **“SECTION 6.** ORS 238.390 is amended to read:

15 “238.390. (1) If a member of the system dies before retiring, the amount
16 of money, if any, credited at the time of death to the member account of the
17 member in the fund shall be paid to the beneficiaries designated by the
18 member. For this purpose a member may designate as a beneficiary any per-
19 son or the executor or administrator of the estate of the member or a trustee
20 named by the member to execute an express trust in regard to such amount.
21 The termination of a person’s membership in the system pursuant to ORS
22 238.095 (1) or (2) invalidates any designation of beneficiary made by the
23 person before the termination of membership.

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

30 “(A) The member’s surviving spouse or other person who is constitu-

1 tionally required to be treated in the same manner as a spouse;

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

3 “(C) The member’s estate.

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

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

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

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

13 “(3) A beneficiary under subsection (1) or (2) of this section may elect to
14 receive the amount payable in actuarially determined monthly payments for
15 the life of such beneficiary as long as such monthly payments are at least
16 \$200.

17 “(4) Accrued benefits due a retired member at the time of death are pay-
18 able to the designated beneficiary or as provided in subsection (2) of this
19 section. For the purpose of determining accrued benefits due a retired mem-
20 ber at the time of death, accrued benefits are considered to have ceased as
21 of the last day of the month preceding the month in which the retired
22 member dies; but if Option 2 or Option 3 under ORS 238.305 has been elected
23 as provided in this chapter and the beneficiary survives the retired member,
24 the benefits to the beneficiary shall commence as of the first day of the
25 month in which the retired member dies, and payment of benefits under Op-
26 tion 2 or Option 3 shall cease with the payment for the month preceding the
27 month in which the beneficiary dies.

28 “(5) If a member dies before retiring and has designated a beneficiary
29 under subsection (1) of this section, but the beneficiary dies after the member
30 and before distribution is made under this section, the Public Employees

1 Retirement Board shall pay the amount of money, if any, that would other-
2 wise have been paid to the beneficiary to a personal representative appointed
3 for the estate of the deceased beneficiary. If a simple estate affidavit re-
4 garding the deceased beneficiary's estate has been filed under ORS 114.515,
5 the board shall pay the amount to the person who filed the simple estate
6 affidavit if, **as applicable**:

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

10 “(b) The estate of the deceased beneficiary meets the requirements of ORS
11 114.510 [(1)(b)] **(1)(c)**.

12 “(6) Interest upon the member account of the member shall accrue until
13 the date that the amount in the member account is distributed. Any balance
14 in the variable account of the deceased member is considered to be trans-
15 ferred to the regular account of the member as of the date of death. The
16 board shall establish procedures for computing and crediting interest on the
17 balance in the member account for the period between the date of death and
18 date of distribution.

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

23 **“SECTION 7. The amendments to ORS 21.145, 21.170, 114.510, 114.515,**
24 **114.525 and 238.390 by sections 1 to 6 of this 2025 Act apply to estates**
25 **of decedents dying on or after the effective date of this 2025 Act.”.**

26
