

Testimony is the same for SB 15-A May 7, 2025
Testimony of Delores Hedlund Harris in Support of Senate Bill 843
before the Senate Judiciary Committee on April 8, 2019

My name is Delores Hedlund Harris. I live in West Salem. I am here in support of Bill 843.

I am a small business woman. I have worked my entire adult life. I have served on a professional licensing committee for the State as a licensed member. I continue to work in my own business.

It is important that the legislature raise the cap for small estates. I believe I am a fairly typical, tax-paying Oregonian. The small estate affidavit should be available to me and others like me. Our modest family home is our primary asset. Because of the increasing value of homes over time, the current caps would require my heirs to go through probate.

I have been through probate—twice—in a very short period of time. First, my father died. Shortly after that, my husband died—that was very suddenly and I had to deal with two probates within a few months of each other.

I do not wish probate on my heirs.

Attorney fees and other probate expenses eat up the inheritance.

Another more important reason I don't wish probate on my heirs is because of the emotional toll. It is hard enough to deal with the death without having to deal with all the formalities of probate. Probate litigation causes an emotional drain that whirls around you and your remaining loved ones, pulling you down all while trying to function in a mental fog.

Emotional closure will come faster by the simplified, self-help affidavit process.

I have remarried. It is for people like me that the small estate affidavit exists. My husband and I want to use it. All of my siblings, adult children, and friends that know about this bill would like to use the estate affidavit option.

It's time to raise the limits. It is very important for people like me that the limits are increased and that the small estate stay closed when unclaimed funds are found later.

Please vote yes on Senate Bill 843. Thank you.

Testimony applies to SB 15-A May 7, 2025

Testimony of Jim Davis in Support of Senate Bill 843
Before the Senate Judiciary Committee on April 8, 2019

I will go next.

I am Jim Davis, representing the Oregon Consumer League and United Seniors of Oregon. We want to express our support of Senate Bill 843, which raises limits and expands access to the small estate affidavit program, which has been most beneficial for lower- and middle-income Oregonians through its self-help aspects in the probate process.

Full probate and litigation aren't always necessary. Oregon law luckily allows for a self-help process through this small estate affidavit process for handling modest estates.

It's less complicated and less time consuming. You don't have to pay the big attorneys fees and it is not overburdening the court system.

As a senior advocate, I can attest to the fact that our seniors are more affected by the probate process and these kinds of programs. So many of our seniors and others need to avoid the very high cost associated with full probate and this really would allow levels to raise in a way that are more reasonable.

The existing caps are small. They were set 10 years ago. Two hundred thousand dollars for real property just isn't appropriate in this market with home values being around 400,000 in Portland. And then, [200,000] that would be raised to 500,000. And then, 75,000 of personal property raised to \$150,000. These are very, very reasonable levels and, I think, expands the programs and allows more people to get involved.

So, just to wrap up, by increasing these limits, it will expand an opportunity for the program to continue its longstanding probate process and help reach low- and middle-income individuals.

Senate Bill 843

Sponsored by Senator THATCHER; Senator FAGAN

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**.

Increases value of estate for which small estate affidavit may be filed. Provides that total fair market value of estate may not be greater than \$650,000, of which not more than \$150,000 may be personal property and not more than \$500,000 may be real property. Subtracts value of unclaimed property from fair market value of estate for purposes of determining eligibility to file small estate affidavit.

A BILL FOR AN ACT

Relating to small estates; amending ORS 114.515.

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

SECTION 1. ORS 114.515 is amended to read:

114.515. (1) If the estate of a decedent meets the requirements of subsection (2) of this section, any of the following persons may file an 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) An affidavit under this section may be filed only if:

(a) The fair market value of the estate is [*\$275,000*] **\$650,000** or less;

(b) Not more than [*\$75,000*] **\$150,000** of the fair market value of the estate is attributable to personal property; and

(c) Not more than [*\$200,000*] **\$500,000** of the fair market value of the estate is attributable to real property.

(3) An affidavit under this section may not be filed until 30 days after the death of the decedent.

(4) An affidavit filed under the provisions of this section 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) In determining fair market value under this section, the fair market value of the entire interest in the property included in the estate shall:

(a) Be used without reduction for liens or other debts.

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.

(b) Be reduced by the value of the decedent's unclaimed property reported to the Department of State Lands for which a claim must be filed under ORS 98.392.

(6) The clerk of the probate court shall charge and collect the fee established under ORS 21.145 for the filing of any affidavit under this section.

(7) Any error or omission in an affidavit filed under this section may be corrected by filing an amended affidavit within four months after the filing of the affidavit.

(8) One or more supplemental affidavits may be filed at any time after the filing of an affidavit under this section for the purpose of including property not described in the original affidavit. Copies of all previously filed affidavits must be attached to the supplemental affidavit and all information required in ORS 114.525 must be reflected in the supplemental affidavit. A supplemental affidavit may not be filed if by reason of the additional property described in the supplemental affidavit any limitation imposed by subsection (2) of this section is exceeded.
