

Meeting Notes
Oregon Law Commission
Workgroup on Partition of Heirs Property
November 13, 2025

I. Call to Order

In Attendance: Amy Zubko, Valarie Sasaki, Patricia Pascone, Andrea Meyer, Mark Comstock, Channa Newell, Jane Sternecky, Kaiti Ferguson, Tabitha Palmer Duprau, Ashley Krollenbrock, Tess Milio, Tony Kullen, Kevin Christiansen, Robert Mauger

II. Workgroup Updates

Valerie Sasaki started the group by acknowledging the notes from the previous meeting.

Next, Amy Zubko provided administrative updates, including possible outreach to other interested parties that were discussed in the last meeting and scheduling for future meetings.

III. Scheduling

Amy announced that the following workgroup meeting is scheduled for Thursday, December 11th, at 2 pm.

IV. Draft Proposal

The workgroup began reviewing the draft proposal (LC9927). It is still intended to be introduced in the 2027 legislative session. Jane Sternecky shared that the draft is currently compliant with the Uniform Law Commission Act.

Section 3

Valarie Sasaki began the overview of LC9927 at section 3, applicability. The work group discussed whether this would apply to all real estate partitions or just heirs' property. Other states have expanded their statute to encompass all partitions (VA, MD, DC, and CA), and that is still acceptable under the Uniform Act. The consensus from the workgroup was that this decision would be best revisited so we could receive input from relevant Oregon Bar sections (estate planning, real estate, debtor creditor). Additionally, there was a question of whether LC 9927 has any inconsistencies with the Oregon statutes it supplements in Section 3(3), which the workgroup will revisit after an OLC research assistant identifies any.

Section 4

Next, the workgroup began discussing Section 4 of LC 9927, Service. This raised questions about Oregon's notice requirements and their effect on posting notice. The workgroup seemed to reach consensus that the language would need to be updated slightly, or that additions to the "conspicuous sign" requirement currently in the draft would be required. This recognizes that there may be other effective ways to provide notice, ensuring consistency with notice requirements for foreclosure and similar property actions. Also, there was an indication that the term "conspicuous" would need additional specification, especially for larger parcels of land. It's also possible that this isn't something that needs to be specified if already addressed in Oregon statutes and precedents. This will be revisited after an OLC research assistant finds any relevant information.

Areas to consider, foreclosure notice requirements, what constitutes publication (internet, sheriff's website), look at the notice provisions in Tyler v. Hennipen fix (HB 2089), recent publication legislative proposals (SB 437 (2025), HB 3167 (2023), definition of conspicuous (perhaps find definition in foreclosure statute and look at what Washington has done, Oregon case law) OJD for notice provision information

Section 5

Then the workgroup turned to Section 5 of LC9927, Referees, which follows the appointment procedures outlined in the relevant Oregon statutes. Discussion followed regarding how this works in practice, including who can be appointed as a referee. Valarie Sasaki mentioned here that the workgroup could include committee notes with the proposal, which do not need to be included in the proposal's language, to avoid any confusion. Tabitha Palmer Duprau provided the workgroup with context on the scope of a referee's role in a private sale of real property. The workgroup decided to return to this discussion.

Valarie Sasaki ended the discussion with a review of some of the questions that need to be researched:

- Whether this should apply to all real property partitions. This may require input from the Oregon Bar real estate section and realtors, debtor creditor section, and estate planning section of OSB.
- How have legislative efforts addressing the fact that newspapers are not as common in terms of publication?
- Is section 5 sufficient to address a situation where a real estate agent acts as agent and referee?

The workgroup expects to focus on sections 6 and 7 of LC9927 in the following meeting.