



OREGON JUDICIAL DEPARTMENT
Office of the State Court Administrator

December 2, 2025
(SENT BY EMAIL)

Amy Zubko, Director
Valerie Sasaki, Chair
Oregon Law Commission

Re: Simple Estate Affidavit Criteria Workgroup Proposal

Dear Director Zubko and Chair Sasaki,

Please find below a proposal for a workgroup on simple estate affidavits.

1. Problem

Identify the specific issues to be studied or addressed by the Oregon Law Commission (OLC) and explain the adverse consequences of current law. An illustration from real life might be helpful.

The simple estate affidavit (SEA) is a streamlined process in ORS chapter 114 for transferring the property of a deceased person. By design, the process involves minimal court oversight and instead utilizes an affidavit submitted by a claiming successor, the nominated personal representative, or an official of a state agency recovering from the estate of the decedent. The affiant files an affidavit with the court outlining certain points of information, including the heirs to the estate, the debts and assets of the estate, and the efforts made by the affiant to find those with claims against the estate. While this is a document that the affiant submits under penalty of perjury, it may be difficult to determine its veracity on the face of the document.

Estates may only utilize the SEA if the property falls below a certain value threshold. Separate thresholds exist for real property and personal property. In an estate with real property, the value of the real property must be under \$200,000. To utilize the SEA in an estate with personal property, the personal property value must be under \$75,000.¹ If the property has a fair market value that exceeds the allowable amount, the estate must go through the normal probate process.

¹ ORS 114.510

The \$200,000 limit on real property was last adjusted in 2009 through [Senate Bill 235](#) (2009). Prior to that, the limit was set at \$150,000 in 2005, and at \$90,000 in 1995.

In 2009, the U.S. Census Bureau estimated median home value in the Portland Metro Area was \$287,900.² In 2023, the median home value in all of Oregon was \$528,000.³ Clearly, the value limits for use of the SEA for real property have not kept pace with the increase in home values in Oregon, but a proposal to increase the value of property in the SEA process encounters a long-standing tension between creating a simple process for transferring property and protecting claimants from fraud and abuse that comes with the lack of court oversight in the SEA process.

This tension may be addressed by looking at both issues: the valuation of the property and the oversight of the court. According to a survey by Justia, all other states with streamlined procedures for simple estates have limits above that of Oregon's. However, those states' processes involve greater court oversight. For example, Washington and California both involve some interaction with the court in the simplified process but have a higher value limit on the use of the simplified process.

On behalf of the Oregon Judicial Department, I am requesting a workgroup to specifically examine options for improving the ability to use SEAs in Oregon for all users, whether affiants, heirs, creditors, the courts, financial institutions, or others.

2. History of Reform Efforts

Explain past efforts to address the problem and the success or limitations of those efforts.

During the 2025 legislative regular session, there was some support for raising Oregon's simple estate real property value limits, but legislators and stakeholders differed on the precise number of a new limit in proposed amendments to [Senate Bill 15 \(2025\)](#). Many stakeholders were concerned with whether current safeguards are adequate to prevent fraud, especially if larger estates could utilize the process. Several recommended examining the safeguards in relation to changes that could make the SEA process less accessible or attractive to

² Christopher Mazur, [Property Value: 2008 and 2009](#), pg. 5 (2010)

³ Brandon Schrader, [State of the State's Housing Report](#), pg. 20 (2024)

persons attempting to commit fraud. Problems were also identified related to proper notice and inclusion of all heirs, creditors' rights, and failure of parties to properly administer the simple estate.

Prior to SB 15, OLC's Probate Modernization Work Group recommended changes to the SEA process with [House Bill 3007 \(2019\)](#). The bill moved the value limits to a new section and established a valuation date, but did not adjust the values themselves. The bill also required additional information to be contained in the affidavit, for the protection of the decedent's creditors, heirs, and beneficiaries. The Work Group discussed potentially increasing the 30-day wait period before an affiant could file an affidavit, but ultimately decided not to.⁴ It removed the then-required 10-day waiting period for an affiant to begin the process of obtaining and transferring property.

The tension between protecting heirs and streamlining the process was present within this Work Group. Judicial representatives who sat on the committee opposed more substantive change to the process because of the lack of judicial oversight. Conversely, a number of other members of the Work Group were interested in a more substantial change, namely adoption of a process similar to that found in Washington state. As the Work Group's scope and timeline did not allow for a longer discussion, the consensus recommendations were advanced, and Work Group members assisted the Oregon Judicial Department (OJD) with creation of a SEA form.

3. Scope of Project

Explain what needs to be studied, evaluated, or changed to fix the problem. In what form will the final product likely be? A written recommendation, rule, statute, etc.?

The project would include an examination of simplified estate processes in other states, including the safeguards and court oversight embedded in those processes. The project would also examine Oregon property values through the lens of regional differences for potential future property value changes. The final product would be a report and statutory draft concept for introduction as legislation in the 2029 Legislative Session.

4. Timeline of Product

⁴ See, Susan N. Gary, [Amendments to the Oregon Probate Code Report of the Probate Modernization Work Group on HB 3006, HB 3007, and HB 3008](#), pg. 6 (2019)

What is the desired timeline to complete this project? If legislation is to be brought, during what legislative session would it be introduced?

The target timeline is to begin this workgroup in early summer of 2026. It would meet monthly, as needed, through fall of 2028 for proposed legislation for the 2029 legislative regular session.

5. Law Commission Involvement

Explain why the issue is a good subject for law reform of broad general interest and need (as opposed to an issue likely to be advanced by a single interest group or lobby).

OLC has had a long and successful history of working with the estates bar and the same interested parties that would be convened for this workgroup and has demonstrated competency in negotiating similar issues in the past. This is an area of law with many nuances and intricacies that will involve many viewpoints and will need time and space to do the necessary research. Additionally, it is an area of the law that affects a significant portion of the population who are administering the estate of another and for whom a safe, secure, and simple process would be beneficial.

6. Project Participants

Identify Individuals who are willing to serve on a work group, and a reporter who is willing to work with the chair of the work group to draft a report and comments. The chair of the work group should be a commissioner. The proposal may state a preference for a chair.

Chair: Suggestions for Chair are welcomed

Reporter: Suggestions for Reporter are welcomed

Members: We are in the process of identifying specific individuals from the following interested groups:

- Oregon Bankers Association (OBA)
- Community Banks of Oregon (CBO)
- Oregon Community Credit Union (OCCU)
- Financial Industry Regulatory Authority (FINRA)
- Oregon Land Title Association

- County Recorder's Office
 - One clerk from an urban county
 - One clerk from a rural county
- Oregon State Bar (OSB)
 - Estate Planning and Administration Section
 - One attorney from urban area
 - Two attorneys from rural locations/clients
 - Elder Law Section
 - One attorney from an urban area
 - One attorney from a rural area
- Oregon Department of Justice (civil recoveries and civil enforcement divisions)
- Oregon Appraiser Certification and Licensure Board Designee
- Court personnel
 - Probate judges
 - One probate commissioner from an urban area
 - One probate commissioner from a rural area
- Oregon Law Center
- The Commons Law Center
- Additionally, the group would welcome the voice of participants or representatives who could share the experience of lay persons who have utilized the SEA process or have been affected by others using the SEA process.

Sincerely,

Channa Newell

Channa Newell
Senior Counsel for Government Relations

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