

Meeting Notes
Oregon Law Commission
Workgroup on Partition of Heirs Property
December 11, 2025

I. Call to Order

In Attendance: Amy Zubko, Valarie Sasaki, Gabriel Hanson, Ashley Krollenbrock, Jane Sternecky, Tony Kullen, Jeff Petty, Robert Mauger, Channa Newell, Andrea Meyer, Shane Antholz, Tisha Pascone, Tabitha Palmer Daprau, Matt Shields, Justice Rajee, Susan Gary, Jeremy Rodgers

II. Workgroup Updates

Valarie led the workgroup in a round of introductions.

An email was sent to interested parties to answer questions from the previous work group meeting. That will be discussed in the future meeting.

Amy Zubko provided updates on questions that were brought up in the previous meeting:

1. **Whether this will apply to all partition actions or only the partition of heirs' property.** Valerie Sasaki shared she had contacted the Real Estate and Estate Planning Sections of the bar about this question.
2. **A question on notice requirements in Oregon.** This question will be discussed at a future meeting
3. A clarification of the role of the referee.

III. LC Draft

Discussion of Section 5: Referees

Jeremy Rodgers from the Oregon Realtors shared his perspective on whether a real estate agent would be considered a disinterested party for the appointment of a referee. Currently, he was unable to find a realtor who has experienced this situation and was unsure what is actually required for the definition of disinterested.

Jane Sternecky clarified that in this context, the disinterested party is not necessarily someone who represents either party to the partition action, but rather someone who is neither filing for partition nor a family member of the landowner. If there is a good precedent in Oregon for appointing referees, this may not need to be changed at all.

Tony Kullen shared some of his experience of partitions in Oregon. Examples he could remember included a bank filing for partition and appointing a broker as referee, and another in which the parties chose a county Sheriff willing to act as a referee. In both situations, a proponent put forward a referee, and the court approved the appointment.

Jane Sternecky shared that she was unaware of the common issues in other states that have adopted the model language, where there is a dispute over the appointment of a referee, and the intent of the language is just to ensure the court appoints a disinterested party.

Tony Kullen located an Oregon court case (24CV21187) in which a realtor was appointed as the referee and shared it with the workgroup.

Tabitha Palmer Daprau shared ORS 105.280:

***How sale made; notice of sale.** All sales of real property made by the referees shall be made by public auction to the highest bidder in the manner required for the sale of real property on execution. The notice shall state the terms of sale. If the property or any part of it is to be sold subject to a prior estate, charge or lien, that fact shall be stated in the notice.*

Discussion of section 6: Determination value

Valarie Sasaki provided an overview of the section and explained how the court will appoint an appraiser to determine value.

Jeff Petty asked a clarifying question about the timing, because this section reads that there would need to be an order of determination of heirs' property, and it's unclear if one of the parties would need to request one. Jane Sternecky responded that this would be a mandatory inquiry that the court would need to invoke during any partition action, so the responsibility of ensuring coverage under the proposal is not reliant on a party requesting it.

This reopened the discussion of whether or not this proposal needs to be limited to the partition of heirs' property or should be effective for all partition actions. This included whether or not this would slow other partition actions, which the workgroup thought it likely wouldn't. If anything, it's possible that this would actually statutorily clarify the process for other partition issues. Jeffy Petty shared from an OJD perspective that a more structured method for all partition actions could be beneficial, so, barring other issues, it would be helpful to align the processes.

There was a rough consensus among the group that the bill will apply to all partition actions, at least for the purposes of the conversation moving forward.

There was a concern that section 6 imposes a notice requirement on the court and might introduce complications.

Multiple members of the workgroup shared opinions on appraisal requirements and the court's default of ordering an appraisal when cotenant parties disagree on the property's value. Also the

discussion of section 7 will be postponed to the next meeting on January 8. A visual aid for Section 7 will be made available.

I. Next Meeting

Workgroup members shared an interest in trying to find someone in another state that has adopted the model language and could share their perspective and experience. Amy Zubko and Jane Sternecky offered to work on finding a representative.