

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

I. Call to Order

In Attendance: Amy Zubko, Valerie Sasaki, Andrea Meyer, Jane Sternecky, Mark Comstock, Jeff Petty, Susan Gary, Tisha Pascone, Tabitha Palmer DuPrau, Shane Antholz, Channa Newell, Tony Kullen, Tess Milo, Matt Shields

II. Discussion

The group reviewed a flow chart of the different steps in Section 7/Co-tenant Buyout of LC 9927. The workgroup collaboratively made suggestions and discussed open questions on Section 7.

Section 7(1) – (4)/Slide 2

- renaming the cotenant requesting the partition of property (potentially using the term “partitioning co-tenant”),
- color change for guidance within a subsection, and
- combining sections of the flowchart.

Jane Sternecky answered questions regarding the original intent of Section 7’s processes.

Section 7(4) – (5)/Slide 3

Mark Comstock had a question about how the division of property would function with important sections of said property, which is addressed in other sections of the LC draft.

Jane Sternecky clarified that in a scenario where something like water or street access prevents an equitable partition in kind. The group discussed that there was not a divided interest at this point and this issue would be addressed in a different section, the court would address that by not partitioning the property in kind and instead using an open market sale.

Section 7(6)/Slide 4

The group discussed at what point title changes and what was needed for title to change.

Section 7(7) – (8)/Slide 5

Section 7(7)-(8) led to some confusion. Jane Sternecky understood that these sections had to do with another cotenant wanting to sell their section of the property but was not the petitioning party. Section 7(7) does originate from the uniform language and the group requested feedback from Legislative Counsel.

The work group decided that it would be useful to devise a hypothetical partition that tracks through the flowchart for possible use in a report to accompany the proposal. This could also be a presentation given during testimony.

In the next workgroup meeting, the group will circle back to the questions that arose during or after the discussion.

III. Administrative Updates

Going forward, the workgroup meeting notes will be sent out a week after the meeting and the materials for future meetings will be shared a week to ten days before meetings. The goal is to provide work group members with a reminder of any action items and provide sufficient time for work group members to complete tasks in time for the meeting materials to be distributed.