

Meeting Notes

Oregon Law Commission

Partition of Heirs Property Work Group

June 11, 2026

I. Call to Order

In Attendance: Susan Gary, Jane Sternecky, Valerie Sasaki, Mark Comstock, Andrea Meyer, Tabitha Palmer DuPrau, Tony Kullen, Tess Milio, Justice Rahee, Tisha Pascone, Coline Benson, Channa Newell, Ashley Krollenbrock, Amy Zubko, Gracie Schweitzer, Nora Robison.

The meeting was called to order, and Gracie Schweitzer and Nora Robison introduced themselves as Oregon Law Commission legal research aides working on the project.

II. Discussion

a. Feedback from Lien and Judgment Creditor Discussion

Amy Zubko thanked the members who participated in the June 8 small-group discussion about liens and judgment creditors and noted that meeting notes and additional Uniform Law Commission materials had been circulated to the work group. The materials from Jane Sternecky were expected to be posted formally for the July meeting because they had been circulated shortly before this meeting.

Tabitha Palmer DuPrau summarized two main issues from the small-group discussion: whether creditors, lienholders, and others beyond the cotenants should receive notice or be brought into the proceeding, and how liens, judgments, and other encumbrances should be accounted for when valuing the property or determining buyout amounts. The draft language was described as silent on those questions, and further discussion was expected about what should be stated expressly in the statute and what should be left to existing law or party litigation. The group did not resolve those issues, but the general outcome of the small-group meeting was that additional conversations would be needed.

The work group also discussed a separate issue involving nonappearing cotenants and unclaimed property. Jane explained that the Treasurer's Office had raised a possible approach under which the office could appear on behalf of nonappearing cotenants and hold any sale proceeds as unclaimed property after the partition action concludes. That issue was also expected to return for a more complete discussion at a later meeting.

b. Sections 8 and 9: Partition Alternatives and Partition in Kind

The work group moved to Section 8, which addresses partition alternatives, including partition in kind and partition by sale. A question was raised about whether partition in kind could result in property being vested in an unknown or unlocatable cotenant, creating property ownership in someone who may not know of the interest or be available to manage it. Jane explained that the Uniform Act recognizes a concern about alienating a person from property rights without clear evidence that the person does not wish to participate.

The group discussed bracketed language (Section 10(4) and Uniform Act (8)(d)) related to unknown or unlocatable cotenants and noted that Oregon law is referenced in the Uniform Act materials on this issue. ORS 102.245 was raised as part of this conversation. The group expected to revisit the section after further discussion with the Treasurer's Office and Department of State Lands about unclaimed property and nonappearing cotenants.

Jane then summarized Section 9, explaining that its purpose is to provide a more comprehensive approach to partition in kind and to require courts to consider both economic and noneconomic factors before ordering a sale. The discussion noted that Section 9 gives courts permission to consider family connections, use of the property, and other nonmathematical factors in addition to valuation.

c. Sections 10 and 11: Open-Market Sale and Sale Report

The work group next discussed Section 10, which establishes a strong preference for an open-market sale rather than an auction or sealed-bid process. Jane explained that the goal is to approximate an ordinary sale between a willing buyer and a willing seller and to maximize value for the owners. Several members expressed support for clarifying the open-market sale authority, including its possible application beyond heirs property partition cases.

The group discussed Section 10's "reasonable time" language for marketing and completing an open-market sale. Jane explained that other states have generally retained that language because the appropriate amount of time may vary substantially depending on the type of property.

Section 11 was described as a transparency provision requiring a report on the open-market sale, including the terms of the sale and the allocation of proceeds. The group discussed how that report may be especially important when liens, tax liens, or other claims affect a party's share of the proceeds. A question was raised about where proceeds should be paid when a cotenant is missing and an escrow officer cannot deliver funds directly to that person.

The group discussed whether a missing cotenant's proceeds should be deposited with the court or paid directly to the state unclaimed property process. Concerns were raised that money deposited with the court may be harder for an unrepresented person to recover, while the unclaimed property process may be more accessible and better suited to locating owners. The group also noted that Oregon escrow law may require specific written instructions or a court order before funds can be disbursed, so any approach should account for Oregon's escrow requirements.

d. Remaining Sections and Open Questions

The work group briefly reviewed Sections 12 through 16, including uniformity, electronic signatures, codification, captions, and the effective date, and no concerns were raised during the meeting. The group completed its first pass through the draft.

The remaining open issues included lienholders and judgment creditors, state lands and unclaimed property, possible homestead or exemption issues, and whether the definitions in Section 2 still fit after the full draft review. Members were encouraged to send additional questions, concerns, or suggestions about people who should be consulted to Amy Zubko by June 30.

III. Scheduling

The next work group meeting is scheduled for July 9, 2026, at 2:00 p.m. The expected agenda items are lienholders, state lands, and unclaimed property, and the definitions in Section 2. Amy planned to prepare a list of open questions from prior meeting notes and member feedback for discussion at the July meeting. The group also discussed the possibility of later meetings to review the LC draft and report before voting on those documents.