



OREGON LAW COMMISSION

Areas of Interest

To: Simple Estate Work Group
RE: Work Group Topics and Schedule for 2026-2028 Simple Estate Affidavit Work Group
Date: August 18, 2026

This document identifies questions raised so far by the Simple Estate Affidavit Criteria Work Group provides a tentative schedule for addressing those questions. The plan is intended to guide the work group's discussions without preventing the group from adding or revising questions as the project develops.

Background

Oregon's simple estate affidavit process, located in ORS chapter 114, provides a streamlined method for transferring a decedent's property with minimal court oversight. An eligible person files an affidavit identifying information, including the estate's heirs, assets, debts, and the affiant's efforts to locate persons with claims against the estate. The process is currently available when the estate includes less than \$200,000 in real property and less than \$75,000 in personal property.

The real-property limit was last increased in 2009 and has not kept pace with increases in Oregon property values. Potential increases to the limits raise a longstanding tension between making simplified estate administration available to more estates and protecting interested persons from fraud and abuse when there is little court oversight.

During the 2025 legislative session, Senate Bill 15 prompted renewed discussion about increasing the simple-estate limits, but legislators and stakeholders did not agree on a new limit. Stakeholders also questioned whether the existing safeguards would adequately prevent fraud if higher-value estates became eligible for the process. Additional concerns included proper notice, inclusion of all heirs, creditor rights, and failures to administer simple estates properly.

The Oregon Law Commission's Probate Modernization Work Group previously recommended changes enacted through House Bill 3007 in 2019, including a valuation date and additional information required in the affidavit. Those reforms did not increase the property-value limits or resolve the broader disagreement over the appropriate degree of court oversight. Some members favored a more substantial change modeled on Washington, but the earlier work group lacked sufficient time and scope for an extended discussion of that approach.

On December 19, 2025, the Oregon Law Commission Program Committee approved the proposal to establish the Simple Estate Affidavit Criteria Work Group. The approved project calls for examining simplified estate procedures in other jurisdictions, including their safeguards and degree of court oversight, and considering regional differences in Oregon property value. The anticipated final products are a report and proposed statutory language for possible introduction during the 2029 regular legislative session. The full Commission approved the project in March of 2026 and the first work group meeting was held on June 30, 2026. This summer interested members of the work group are gathering once a month to identify areas of interest and concern in order to create a work plan to be presented to the full group in September.

The work group's initial discussions showed that the project may require consideration of more than an increase in the property-value limits. Issues identified for further consideration include court oversight and safeguards, creditor rights, land-title and financial-institution concerns, tribal probate, and notice under *Tulsa Professional Collection Services, Inc. v. Pope*. The work group also agreed that examining approaches used in other jurisdictions could provide a concrete starting point for determining what makes sense for Oregon.

Areas of Interest and Schedule

The work group will generally meet monthly over Zoom through fall 2028. The work group will aim to complete its substantive review and revisions to proposed statutory language by August 2028. Report preparation and final review are expected to continue through October 2028 so that the Oregon Law Commission may consider proposed legislation for the 2029 regular legislative session.

The work group will use full-group meetings to identify and resolve major policy questions. Small groups of work group members and other interested participants may meet outside of the full-group meetings to research particular issues, develop proposals, or provide subject-matter expertise. At the September 2026 meeting, work group members will review this work plan, identify areas that require additional expertise, and indicate the issues in which they are interested in participating. Lists of interested participants will be added under the relevant areas of interest after that meeting.

The schedule below is tentative. The work group may revise the order or timing of topics as the project develops. In particular, the schedule will need to account for legislative sessions and Legislative Counsel's availability.

1. Threshold Question: Whether Oregon's simple estate affidavit process provides constitutionally sufficient notice considering the outcome of *Tulsa Professional Collection Services, Inc. v. Pope* (August and September 2026)?
 - The work group will review *Tulsa Professional Collection Services, Inc. v. Pope* and consider the constitutional questions raised about notice under Oregon's simple estate affidavit process.

- During this period, the work group will also:
 - Review and finalize the work plan;
 - Update the list of open questions; and
 - Identify people willing to provide expertise on particular issues.
- 2. Whether the Uniform Probate Code's (UPC) Succession Without Administration provisions provide a useful model for Oregon (October 2026)?
 - The work group will review the UPC's Succession Without Administration provisions in Article III, Part 3, Subpart 2.
 - At the July 21, 2026, meeting, participants suggested asking someone from the Uniform Law Commission to explain the procedure, including what is and is not working. Amy Zubko reached out to the Uniform Law Commission and ULC General Counsel, Ben Orzeske, agreed to attend a meeting to talk about the UPC.
- 3. Whether Washington's probate processes provide a useful model for Oregon (November 2026)?
 - The work group will review Washington's small-estate and nonintervention probate procedure.
 - The work group will also consider whether Washington's nonintervention process is within the project's scope because it may represent a different approach to probate rather than a modification of Oregon's existing simple estate statutes.
- 4. Whether California's simplified estate procedures provide a useful model for Oregon (December 2026)?
 - The work group will review California's simplified estate procedures, including the "initial hearing" approach identified for consideration.
 - During the July 21, 2026, meeting, participants discussed the possible value of an initial court appearance at which basic information concerning the decedent's family and heirs could be verified.
- 5. What, if anything, should Oregon draw from the Uniform Probate Code, Washington, and California (January 2027)?
 - After reviewing the three models, the work group will decide what, if anything, should be incorporated into an Oregon proposal.
 - The work group will check in quarterly to identify areas of concern or interest as well as consider the pacing of the work group discussions.
- 6. What should be included in the first working draft (February 2027)?
 - The target for February is to identify what should be included in a first working draft based on the work group's January decisions and provisions or approaches selected from Oregon law, the Uniform Probate Code, Washington, and California.
 - Lori Anne Sills is Legislative Counsel's drafter for the project, but the timing of the first working draft may need to be adjusted because February falls during the legislative session and may not work with Legislative Counsel's workload.

- Beginning in February and through July 2027, meetings will be scheduled based on the legislative session schedule.
- 7. How should the proposed process protect creditors and address creditor claims (April 2027)?
 - In April, the folks will focus on creditor issues.
 - Creditor rights were included in the original list of open questions, and the workgroup proposal identifies creditor protections and failures to properly administer simple estates as concerns raised during prior reform efforts.
- 8. How should notice operate under the proposed process (June 2027)?
 - In June, the work group will focus on notice issues.
 - The discussion may include notice to heirs, devisees, creditors, and state agencies; whether the correct interested persons are identified; whether notice is actually provided; and the relationship between notice requirements and the issues raised under *Pope*. These issues were raised during the July 21 meeting, but the work group has not yet selected a particular proposal.
- 9. What degree of court oversight and what safeguards should be required. (August 2027)?
 - The work group will hold a decision meeting in August 2027.
 - The agenda can be developed after the work group has reviewed the first working draft and completed its creditor and notice discussions.
 - What policy decisions must the work group make before preparation of the second working draft.
 - Whether forms or other materials can better explain the process and intestate succession to self-represented users.
- 10. How the process should address land-title and financial-institution concerns. (September 2027)
- 11. How should tribal probate issues be addressed in the proposed process (October 2027)?
 - The work group will consider tribal probate issues in October 2027.
 - Tribal probate was identified as an open question, and the July 21, 2026 discussion addressed estates involving both trust and nontrust property, the jurisdictional limits of state courts, tribal probate codes and forms, and circumstances in which multiple proceedings may be required for one estate.
- 12. What changes should be incorporated into the second working draft? (November 2027)
 - A second working draft is targeted for November 2027.
 - The second working draft will reflect the policy decisions the work group has made through the August decision meeting. The specific contents cannot be identified until those decisions are made.
- 13. Whether the second working draft adequately resolves the identified issues and what revisions are necessary (November 2027 through August 2028)?
 - Beginning in November 2027, the work group will review, debate, and revise the second working draft.

- The work group will have approximately ten months to complete that review, with a target completion date of August 2028.
14. Whether the statutory draft and report are ready for review by Oregon Law Commission leadership and the full Commission (August 2028 through October 2028)?
- The target is to complete the proposed statutory language by August 2028 and prepare the report between August and October 2028. The work group will meet in September during the report-review period.
 - The schedule will reserve approximately three months for review of the report and proposal, including review by Oregon Law Commission leadership.
 - The report and proposed statutory language will then be submitted to the full Commission, which will determine whether to adopt the proposal and submit it to the legislature.

Questions not yet assigned to a specific period

The following questions have been identified but have not yet been assigned to a specific meeting period:

- Whether and how regional differences in property values should affect the process.
- Whether ORS 166.435 should be amended to allow someone other than a personal representative to transfer a firearm in a simple estate.

Next Steps

If you would like to participate in any of these work groups and are not listed above, please let me know