

Open Questions
Oregon Law Commission
Simple Estate Affidavit Criteria Work Group
Prepared for Tuesday, August 18, 2026 Discussion

June 30, 2026

Several topics were identified for future consideration. During the meeting and in the chat, issues identified for consideration include

- valuation thresholds,
- regional differences in property values,
- court oversight and safeguards,
- comparison with other states' simplified estate processes,
- creditor rights,
- land title and financial institution concerns,
- tribal probate issues,
- participation by judges or probate commissioners.
- *Tulsa Professional Collection Services v. Pope*
(<https://supreme.justia.com/cases/federal/us/485/478/>), and
- whether ORS 166.435 should be amended to allow someone other than a personal representative to transfer a firearm in a small estate.

Since the meeting on June 30th, email communication have identified additional issues such as:

- It may be worthwhile to review the CA and WA probate processes (small estate/non-intervention) and maybe even some of the other states' SEA processes. However, the WA non-intervention process may be somewhat outside the scope of this workgroup as it is a different way to approach probate altogether.
- I think the issue of ORS 114 simple estates being unique and creating issues with national financial firms is relevant to the small workgroup's charge: What is the best solution? Should we start at the beginning or just modify 114.
- Should the group look at the Uniform Act?
- Should the group look at the Washington opt in opt out and the California initial hearing only?

Questions/Issues added during and after the July 21st meeting

- A discussion of proper notice and noticing the right people organizations. This issue was raised in relation to the *Tulsa Professional Collection Services* case referenced above?
- Concerns about DIY form completion by pro se individuals
- Should the work group focus on fixing ORS 114 or come up with a new process a middle way?
- Using plain language
- Financial limitations and indexing to inflation
- Use of forms, education process for Oregon forms and addressing tribal/federal issues
- Publication process