

Meeting Notes

Oregon Law Commission

Partition of Heirs Property Work Group

September 17, 2026

I. Call to Order

In Attendance: Valerie Sasaki, Susan Gary, Robet Mauger, Mark Comstock, Jane Sternecky, Tisha Pascone, Tony Kullen, Lisa Udland, Susan Cook,, Channa Newell, Jefff Petty, Tess Milio

II. Discussion

Legislative Counsel led the work group through the draft, explaining that the language generally followed the Uniform Act while incorporating Oregon-specific provisions and conforming amendments.

a. Definitions

The group discussed the definition of “relative,” particularly whether a reference to the law of intestate succession clearly captures the intended range of family relationships without suggesting that a person must actually be an intestate heir. Several members expressed preference for staying close to the Uniform Act’s terminology when Oregon-specific changes are not necessary, both to preserve uniformity across states and to make the Oregon statute easier for practitioners and stakeholders familiar with the Uniform Act to recognize.

b. Applicability and Court Determination

The group discussed the provision requiring a court to determine whether property qualifies as heirs property and generally supported making the court’s responsibility mandatory rather than permissive. The group also considered whether the statute should specify when that determination occurs, including language directing the court to address the issue upon the filing of a partition action rather than stating only that it should occur as early as possible. Questions were raised about whether the determination would require a limited judgment, whether it would be immediately appealable, and how an appeal could affect the intended operation and timing of the Act. The group generally supported the revised direction shown during the meeting but left the procedural and appeal questions for further consideration.

c. Service and Notice

The group reviewed the Oregon-specific proposal requiring notice of a potential heirs-property proceeding to specified state agencies. A representative of the State Treasurer confirmed that the Treasurer would like to receive notice so the office can determine whether the state has an interest in the property or estate. Amy Zubko reported ongoing outreach to the Department of Revenue and Department of Human Services and agreed to circulate the draft language to the affected agencies for review. The group discussed but did not support adding county tax assessors to the notice list because county tax interests would not ordinarily be impaired by the partition proceeding.

The group also discussed the information that should appear on a posted notice when service by publication is permitted. Members favored using an address or other common designation that would be understandable to the public rather than requiring the property's legal description, and the group did not favor adding a tax identification number. The notice should also provide useful contact information for the plaintiff or the plaintiff's attorney and identify the case so an interested person can locate additional information.

d. Determination of Value

The group confirmed that Oregon's existing use of referees is preferable to creating a separate system of "commissioners" solely to match the terminology used in the Uniform Act. The group also agreed that references to the "clerk" in connection with obtaining an appraisal should clearly identify court clerk versus county clerk.

The group supported keeping parties in the case through the valuation stage rather than allowing a default judgment before value is determined. In discussing an agreed valuation, the group determined that agreement should be required from the "parties," rather than only the cotenants, because other parties such as lienholders may have interests affected by the valuation.

The group then considered proposed restructuring of the appraisal, notice, objection, and hearing procedures. Concerns were raised that combining the procedures for an appraisal with the separate Uniform Act procedure for cases in which an appraisal is unnecessary could make the statutory path harder to follow and move the Oregon language farther from the Uniform Act than necessary. The group stopped its substantive review at this point and agreed to resume with this portion of the valuation section at the next meeting after members had additional time to consider the structure.

III. Scheduling

The next work group meeting is scheduled for October 8.