

Meeting Notes

Oregon Law Commission

Simple Estate Affidavits Work Group

September 22, 2026

I. Call to Order

In attendance: Valerie Sasaki, Ashley Krollenbrock, Tisha Pascone, Meg Clark-Kilcoyne, Tabitha Palmer DuPrau, Riley Gombart, Michele Klinkerfues, Chana Newell, Rebecca Kueny, Martha Klein Izenon, Sam Sears, Judge Karen Costello, Donna Williams, Jeff Petty, Lori Anne Sills, Andrew Nord, Michael Finney, Gayle Trotter, Gary Kritkashyan, Amy Zubko

II. Discussion

The work group briefly reviewed scheduling and public meeting logistics. Future meetings are expected to occur on the third Tuesday of the month at 11:00 a.m., with adjustments during the legislative session as needed for participants with legislative responsibilities. Meeting materials will be posted publicly before meetings, and interested members of the public may request the Zoom information from Amy Zubko.

The group then reviewed the areas of interest document and discussed the work group's current phase of identifying the specific question that should guide future work. The goal is to identify questions that are useful to the legal community, responsive to work group members' experiences, and specific enough to support productive discussion. It was noted that the areas of interest document had been updated based on conversations held over the summer; participants were thanked for helping to develop the document.

Riley Gombart presented information from approximately 50 simple estate affidavit matters handled by the Commons Law Center. The presentation noted that the sample size was limited but showed that many estates in the sample were valued below \$50,000, with another significant group between \$50,000 and \$200,000. Riley explained that the statutory limits are currently \$200,000 for real property and \$75,000 for personal property. The data also suggested that most of the sampled matters involve intestate estates and intangible personal property, commonly bank accounts above the amount that financial institutions would release without a probate filing or simple estate affidavit.

The group discussed how the simple estate affidavit process applies to different types of estates. Some practitioners described simple estate affidavits as useful when a decedent's revocable living trust did not receive all assets before death, while Riley described the Commons Law

Center's typical matters as smaller intestate estates involving bank accounts, vehicles, or limited tangible personal property. Riley also described a newer process involving a pour-over will and revocable living trust, under which certain assets passing to the trust may not count toward the simple estate value limits.

The work group then discussed difficulties some affiants face when financial institutions require probate documents for small accounts. It was reported that in Malheur County, some banks require a simple estate affidavit or personal representative document even for very small accounts, which can make the filing fee a significant part of the amount at issue. A participant noted that their credit union would accept an affidavit for a small account when the person has the right to claim the funds. Other participants described similar experiences in which credit unions and local banks generally were not the issue, while some national banks insisted on letters or other formal probate documentation.

There was discussion about whether the simple estate affidavit form or statute could better communicate that the affidavit functions as a probate document and that holders of estate property may be required to turn over property to the affiant. Members discussed ORS 114, including language warning property holders and the potential for attorney fees if property is not turned over as required. The group noted that pro se affiants may be unlikely to send demand letters or threaten attorney fees, which can create an access-to-justice problem when a financial institution refuses to comply.

It was noted that OJD has simple estate filings in Odyssey and may be able to gather more robust data, although doing so would require additional work and time from a data analyst. The group expressed interest in collecting and reviewing that data to better understand who uses the simple estate affidavit process and how to make the process more intuitive and useful for those users.

The work group next discussed *Tulsa Professional Collection Services* and whether the current simple estate affidavit process sufficiently protects creditors' notice rights. Concerns were summarized that the simple estate process has traditionally relied on constructive notice through filing, while *Tulsa* may require actual notice to known creditors. It was estimated that, in one participant's experience, affiants accurately identify and provide notice to creditors about half the time. The group discussed small work group to review the case, consider whether additional creditor-notice safeguards are needed, and report back to the larger group.

The group also discussed whether the Oregon Department of Human Services (DHS) should be invited to participate in that smaller discussion, because DHS and secured creditors may often be among the larger creditors in simple estate matters. Members interested in participating in the smaller work group were asked to email Amy Zubko.

The group was encouraged to identify additional issues with the current simple estate process, including issues that may affect users differently depending on education, financial ability, whether they have counsel, or whether they must navigate multiple probate systems. The discussion specifically noted interest in hearing about unique issues affecting tribal populations and individuals navigating both state and federal systems.

III. Scheduling

Amy Zubko reported that Ben Orzeske from the Uniform Law Commission had agreed to present on the Uniform Probate Code and succession without administration but was unavailable for the October meeting. The group discussed using October 20 for the smaller creditor-notice discussion and waiting until November for the next full work group presentation. The October discussion is expected to include interested work group members, probate personnel, credit union or banking representatives if available, and possible DHS.

IV. Open Questions

- Whether the simple estate affidavit form or statutes should be revised to better communicate financial institutions' obligations to honor affidavits.
- Whether *Tulsa Professional Collection Services* requires changes to Oregon's simple estate affidavit creditor-notice process.