

Meeting Notes

Oregon Law Commission

Partition of Heirs Property Work Group

October 8, 2026

I. Call to Order

In Attendance: Valerie Sasaki, Robert Mauger, Alex Roome, Chana Newell, Jane Sternecky, Andrea Meyer, Mark Comstock, Justin Withem, Tabitha Palmer DuPrau, Ashley Krollenbrock, Jeremy Rodgers, Jeff Petty, Shane Antholz, Jake Jensen, Tess Milio, Tisha Pascone, Amy Zubko

Chair Valerie Sasaki called the meeting to order, and participants introduced themselves.

II. Discussion

a. Section 4: Agency Notice

Representatives of the Oregon Department of Human Services raised concerns about notices reaching the appropriate agency unit, and the group discussed addressing delivery instructions through rules or agency communications rather than specifying units in statute. Legislative Counsel indicated that agency names would follow existing statutory conventions.

The work group discussed whether agencies need express authority to adopt rule governing delivery of notices, and the law clerk was asked to examine whether the probate code provides comparable authority.

b. Outstanding Policy Issues

The work group agreed that the highest offer should govern selection among offers obtained through a broker to maximize value for cotenants. The work group discussed provisions drawn from Iowa law concerning parties to partition proceedings and agreed to retain permissive language allowing additional interested persons to be named while removing the sentence incorporating quiet title relief.

There was discussion about preserving interests belonging to unknown or unidentified cotenants, including the possibility that partition in kind could leave real property titled to unidentified owners, and the group favored leaving courts flexibility to address those circumstances.

c. Section 5: Determination of Value

The draft combines notice of the appraised value with notice of the hearing and the opportunity to object, and the hearing would occur regardless of whether objections are filed. The requirement that the court determine fair market value was retained, and a previously agreed change from “cotenants” to “parties” in subsection (2) was confirmed. The work group agreed to extend the deadline for issuing notice following the appraisal for filing or determination that an appraisal is unnecessary from 14 to 30 days.

Subsection (3) will return to the Uniform Act’s separate procedure, including a hearing, when the court determines that an appraisal’s evidentiary value is outweighed by its cost. The group agreed to remove the phrase “before considering the merits of the partition action” from subsection (6), and “court” will be inserted before “clerk’s office” in subsection (4)(c).

d. Sections 6-8: Buyout and Partition in Kind

The work group agreed to return section 6 to the Uniform Act’s cotenant buyout language while retaining authority to extend the election period at an eligible cotenant’s request for a valid reason, including concerns about obtaining financing.

Missing language in section 7 will be restored, and the group favored retaining Oregon’s referee process for partition in kind, with revised language to be reviewed at the next meeting.

Section 8’s addition allowing aggregation of individual interests was identified as a departure from the Uniform Act, and no objection was raised.

e. Section 9: Broker Sales

The work group clarified that broker sale provisions would extend to ordinary partition actions, while the broader heirs property procedures would remain limited to heirs property.

There were concerns about Section 11, and it was asked that comments be circulated before the next meeting.

III. Scheduling

Robert was asked to circulate an updated draft reflecting changes through Section 8 before the next meeting, scheduled for October 29. Additional November and December meetings were discussed, and Amy planned to circulate scheduling information. Robert advised holding any November meeting before November 13 for changes to appear in the bill draft expected around December 4.

IV. Open Questions

- Section 7's restored language.
- Section 11.
- Whether "open market sale," "sealed bid sale," and "auction" should be defined.