Meeting Notes

Oregon Law Commission

Simple Estate Affidavit Criteria Work Group

Small Group Discussion: *Tulsa Professional Collection Services v. Pope*

October 20, 2026

I. Call to Order

In Attendance: Brian Thompson, Sam Sears, Riley Gombert, Kevin Christianson, Matt Schrumpf, Alex Roome, Tisha Pascone, Donna Williams, Lori Anne Sills, Jefff Petty, Meg Clark Kilcoyne, Tabitha Palmer-Duprau, Ashley Krollenbrock, Rebecca Kueny, Amy Zubko

II. Discussion

a. Creditor Notice and Finality

Brian Thompson led the discussion of *Tulsa Professional Collection Services v. Pope* and creditor notice requirements in simple estate proceedings.

An opening question focused on whether Oregon's simple estate process adequately protects creditors, particularly if eligibility expands to include substantially larger estates. Members distinguished between the adequacy of statutory notice requirements and affiants' compliance with those requirements, expressing differing views about whether the existing provisions for known or reasonably ascertainable creditors sufficiently address constitutional concerns.

There was discussion of requiring a separate filing confirming that notice was mailed or delivered, given concerns that some affiants promise to provide notice but do not follow through. Electronic billing was also identified as an obstacle to discovering creditors because relatives may lack access to the decedent's online accounts or receive no paper statements.

Some work group members indicated that the area of interest should be notice to unknown creditors rather than notice to all creditors, stating that the process for known creditors was sufficient. Members questioned whether filing an affidavit alone provides sufficient notice to unknown creditors and whether publication should be required to support an enforceable claims deadline. The discussion emphasized the importance of finality so estates can be distributed without lingering uncertainty about creditor claims.

A suggestion was made to clarify ORS 114.540 so the statute expressly addresses the effect of inadequate notice on claims deadlines. Members discussed whether creditors who did not receive

adequate notice would otherwise have to litigate whether the four-month deadline could constitutionally apply to their claims.

b. Intermediate Probate Procedures

Members discussed retaining an affidavit process for smaller estates while creating an intermediate procedure with additional safeguards for larger estates. Possible safeguards included publication, proof of service, greater court involvement, and access to specific court orders. Dollar amounts and other states' procedures were discussed as illustrations, without selection of a particular threshold or procedure.

c. Statewide Electronic Notice

The Work Group discussed a centralized statewide creditor notification system, and OJD's existing online posting system (https://www.courts.oregon.gov/services/online/pages/online-legal-service-posting.aspx) was described as a potential avenue. The system was developed for court-ordered alternative service, enabled for probate case types, and could accommodate a four-month posting period. It was clarified that the system was not designed to replace statutory newspaper publication.

Members expressed support for exploring automatic electronic posting to improve notice and reduce reliance on affiants, while acknowledging potential court staff workload. Questions were raised about automated searches, subscription feeds, document identification, and confidentiality, but the availability of automated access was not established. It was explained that posting and viewing documents on the site were free, while broader access to court case information through a subscription would be charged.

III. Scheduling

The November meeting will be rescheduled to accommodate a Uniform Law Commission presenter on succession without administration. The group discussed November 9, 19, and 23, but did not select a date during the meeting.