

Meeting Notes
Oregon Law Commission
OLC Simple Estate Affidavit 2026-2027 Work Group
July 21, 2026

I. Call to Order

Attendees for this meeting were Valerie Sasaki; Brian M Thompson; Meg Clark-Kilcoyne; Tabitha Palmer-DuPrau; Heather Gilmore; Riley Gombart; Sam Seaers; Gayle Trotter; Rebecca Kueny; Gracie Schweitzer; Martha Klein Izenson; and Donna Williams. Staff were Amy Zubko and Nora Robison. Valerie Sasaki began the meeting by asking each person to introduce themselves.

II. Discussion

Amy Zubko began the meeting by going over all the submitted questions and topics of concern relating to the simple estate process. She informed the group that the questions were linked on the OLC website. This list of questions and topics of concerns originates from the June 30, 2026 meeting where members of the workgroup asked for feedback and priority questions anyone might have. Amy Zubko stated the goal is to keep this list updated on the OLC website as the workgroup moves through the list. Valerie Sasaki then asked the workgroup members if any of the mentioned questions/areas of concerns should be placed at the top of the group's priority list.

A. What are Other Jurisdictions Doing?

Brian M. Thompson brought up an issue related to *Tulsa Professional Collection Services, Inc v. Pope*, 485 U.S. 478 (1988). This concerns the constitutionality of notice in the simple estate process because pro se individuals are being trusted to give proper notice to all parties involved. Mr. Thompson recommended looking at Washington's statutes for simple estates. Tabitha

Palmer-DePrau agreed with this statement, saying the title insurance process struggles under a do-it-yourself (DIY) model. Under a DIY model, pro se individuals often struggle filling out forms correctly and giving proper notice to those required by law (such as heirs and devisees). Often times, names are missing from affidavits/lists on these forms and there are other errors. Valerie Sasaki asked what a possible solution to this issue might be, suggesting a less than full probate but more than non- intervention option. This would leave the door open for single asset probate but provide the option for individuals to petition the court to order a full probate. Heather Gilmore expanded on this option by bringing up ORS Chapter 114. She asked whether the workgroup should focus on fixing ORS 114 or come up with a whole new process, mentioning Washington's opt-in/opt-out process. A previous probate modernization workgroup attempted to fix ORS Chapter 114 but was unable to do so. Heather Gilmore then brought up a California statute that provides for similar small estate proceedings. The statute requires an initial, simple court appearance and is meant to root out fraud.

Riley Gombart mentioned that clients reach out to his office for help with the simple estate DIY process. He stated that their goal is to make the process more straight-forward. Mr. Gombart stated a part of the process moving forward, regardless of whether a new process is created, is that new forms should be included to keep the DIY aspect. He then talked about how technical terms included in these forms should be translated better for pro se individuals. When talking about ORS Chapter 114, Riley Gombart mentioned how there are many assets that would benefit from simple estate process but that are forced into probate. He discussed raising the value of limitations and have it connected to changes in inflation rates. Rebecca Kueny talked about how ORS Chapter 114 works for pour over wills but that the process should be made easier in some

way because more often than not there are failures under this process. Two workgroup members then went on to discuss DIY form usage in other areas of law such as divorce and how these forms have been updated several times, but the updates have not been most helpful in reality. Sam Sears added that looking at Washington's non-intervention probate process might be beneficial for the group. This process is unique to the U.S. but would allow for the desired flexibility that has been discussed.

Martha Klein Izenson mentioned small estate and probate proceedings that take place on reservation land. With a unique mix of assets, many tribal members use numerous forums to transfer their property. Most tribal courts have adopted their own probate codes because of this mix. Martha Klein Izenson stated that putting education/information on the forms would help non-tribal individuals with mixed assets navigate Oregon's simple estate process. She also stated that having congruency between state and tribal forms would be preferred seeing as many tribal members use state and tribal forums to transfer property. Valerie Sasaki concluded this conversation by telling the workgroup it seemed that many members wanted to examine what other jurisdictions are doing—specifically California Washington, and tribal courts.

B. Adjusting Notice Requirements and Process

Valerie Sasaki asked the workgroup what they should keep in mind moving forward when it comes to *Pope*. Brian M. Thompson stated notice and opportunity to be heard are the two main issues. In Oregon, practitioners are running into problems with notifying title companies because they are so large. He went on to say a medium level administration to take charge of notice would be beneficial, especially since dollar values differ across jurisdictions thereby impacting

what constitutes a simple estate. Tabitha Palmer-DePrau stated this was also a main concern for her. One issue in real property transfers is that the (correct) owner might not sign the correct document. She went on to say the simple estate affidavit approach for real property might not be appropriate. Sam Sears asked if notice to creditors was also an issue; it was noted that notice to creditors generally was not as big of an issue. He then asked if notice for small estate proceedings was different than full probate. Brian M. Thompson mentioned the use of publication for notice, which was changed from the required 3 publications to a single publication. The workgroup then discussed whether publication via newspaper satisfies *Pope* and the current state of newspapers in Oregon. The idea of having a third-party publication/notice organization was bounced around. Through this conversation it was recognized that there was a larger issue of legal notice in Oregon, not just related to probate and small estate proceedings.

C. Final Discussions

Valeria Sasaki asked the group where they should start as many big questions were discussed. Tabitha Palmer-DePrau stated the first step should be looking at other jurisdictions, seeing what works, and seeing if it could apply to Oregon. Amy Zubko was then asked to see if the Uniform Law Commission could present at the next meeting about these issues and if she could get individuals from Washington and/or California as well. Valerie Sasaki then asked the Legal Research Aide to write up a memorandum about small estate proceedings in California and Washington for the group. Martha Klein Izenon volunteered to write up a one-pager on federal administrative probate and small estate proceedings in tribal court. The goal is to have all this information by the next meeting.

III. Scheduling

The workgroup decided the next meeting will be held on August 18, 2026 at 2pm. The workgroup will have the information and materials prior to the next meeting.