

Meeting Notes
Oregon Law Commission
Partition of Heirs Property Workgroup
October 17, 2025

I. Welcome, Discussion of Timeline, and Next Steps

In Attendance: Valarie Sasaki (Chair), Susan Gary (Reporter), Amy Zubko, Gabriel Hanson, Ashley Krollenbrock, Jeremy Rogers, Tony Kullen, Mark Comstock, Jane Sternecky, Andrea Meyer, Robert Mauger, Tabitha Palmer-DuPrau, Shane Antholz, Justice Rajeem, Tess Millio, Justice Martha Walters, Channa Newell

Introductions: Work group members had the opportunity to introduce themselves and share their interest in the bill.

Overview of the Oregon Law Commission Process: Valerie Sasaki provided an overview of how work groups typically approach a piece of model legislation when considering it applicability to Oregon. This involves a section-by-section analysis of how it will affect Oregon and interact with existing law and practices. After this workgroup members will take all considerations and opinions voiced and create a model draft specifically for the Oregon legislature. Additionally, Valerie shared that typically for an OLC workgroup, there is an open invite to those who may have experience in this subject to engage in the work group process. Work group members were encouraged to consider if there were other stakeholders who may be interested in the project.

Susan Gary shared a bit about her role and responsibilities as the Reporter. The legislative concept developed by this work group will be accompanied by a report. Both the concept and the report will be submitted to the Oregon Law Commission for consideration as potential legislation.

The discussion wrapped up with a brief overview of work group meetings and a discussion of public meetings and materials and recordings will be posted on the Oregon Law Commission's website. Meeting materials including agendas, draft language, and research will be shared with work group members and posted online on the OLC website.

II. Overview of the ULC Uniform Partition of Heirs Property Act:

Jane Sternecky, Legislative Counsel for the Uniform Law Commission, gave a brief presentation on the history and background of the Uniform Partition of Heirs Property Act.

In a nutshell, the UHPA addresses a concern that owners of heirs' property may encounter forced sales when as little as one co-tenant files for partition of an inherited property. The

UPHPA does not prevent the potential for sale partitions but creates a series of due process protections to ensure that the property is not lost.

The pillars of the UHPA are:

1. Identifying that the property is heirs' property,
2. Enhanced notice provisions,
3. That any commissioners are disinterested properties,
4. Independent appraisal of the property,
5. One way buyout provisions,
6. Enhanced preference for partition-in-kind,
7. Open market listing and sale by default.

Common state modifications for the uniform act include a settlement conference requirement, a special master to administer the partition actions, equitable fee shifting provisions that factors in a party's good faith negotiations prior to filing and expanding the bill to include all partition acts.

A question arose whether Washington State had modified the UHPA. Washington's enactment is fairly close to the language in the Uniform Act.

Jane Sternecky shared their email: jsternecky@uniformlaws.org should anyone have further questions about the uniform act or its enactment and modifications in other states.

III. Administrative Updates:

Amy Zubko shared that members of the work group will be identified on a workgroup roster that will be posted and available for others. The draft roster will be sent out after the meeting.

Scheduling: The intent of the work group is to introduce an Oregon version of the UHPA in the 2027 legislature session as a presession filed bill in December of 2026. This will require that the work will wrap up by August of 2026. For the upcoming monthly meetings there are a few proposed meeting schedules which will be sent out to the work group. The November meeting will be held on November 13th at 2pm over Zoom.