Oregon Law Commission
Simple Estate Affidavit Criteria Work Group
State, Tribal, Federal and Uniform Statutory Language
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State Resources:

California Probate Code: **§§ 13000–13117 Collection or Transfer of Small Estate without Administration (Specifically § 13101–104 for the affidavit requirements)**

Oregon Revised Statutes: **ORS 114.505 - ORS 114.560**

Revised Code of Washington: **RCW Ch 11.62 Small Estate – Disposition of Property; RCW 11.68 Non-Intervention Court Process**

Tribal and Federal Resources:

Each Tribe may, pursuant to Tribal sovereignty and the Tribe's own governance laws and policies, adopt a probate code to deal solely with assets not held in trust by the Department of the Interior Bureau of Indian Affairs or Bureau of Trust Funds Administration.

Those codes may or may not offer a simple estate affidavit (SEA) process or they might offer a process only for unclaimed Tribal member benefits. For instance, the Siletz Probate Code here: **probate-ordinance-07-16-2021.pdf**.

On the other hand, some codes do not offer an SEA process. One example, for instance, the Confederated Tribes of the Warm Springs Probate Code which can be found here **Probate - Confederated Tribes of the Warm Springs**.

The recently adopted CTUIR Probate Code includes an SEA process. A link to the CTUIR Probate Code can be found here: **CTUIR - Probate Code**. The SEA is defined on page 38. There is also a specific affidavit process purely for distribution of unclaimed Tribal member benefits on page 43.

Last, as part of the federal process, Tribes may adopt a probate code that includes both code provisions for non-trust property and specific statutes that govern some probate aspects under AIPRA. See, for instance, **Approved Tribal Probate Codes | Indian Affairs**.

One thing to be aware of is that there is no option for an SEA under the federal process, which you can find at the American Indian Probate Reform Act (AIPRA), 25 USC 2201 et seq. Regulations are at 25 CFR Part 15 and 43 CFR Part 30. Any lands held in trust within Oregon's exterior boundaries are subject to the process and not within Oregon's jurisdiction, so cannot be included on an Oregon SEA. (They should also not be included as part of the Oregon taxable estate.)

Uniform and/or Model Acts

Uniform Law Commission, Uniform Probate Code: **Art. III, pt. 3, subpart 2 (3-312 to 3-322)**