

Meeting Notes

Oregon Law Commission

Simple Estate Affidavit Criteria Work Group

June 30, 2026

I. Call to Order

In Attendance: Valerie Sasaki, Ashley Krollenbrock, Matt Schrumppf, Meg Clark-Kilcoyne, Riley Gombart, Channa Newell, Heather Gilmore, Rebecca Kueny, Karen Costello, Jeff Petty, Lori Anne Sills, Matt Sandler, Tisha Pascone, Sam Sears, Coline Benson, Gayle Trotter, Martha Klein Izenson, Gary Krtikashyan, Brian M Thompson, Pam Levitt, Amy Zubko, Nora Robison

The meeting was called to order, and work group members were welcomed to the first meeting of the Simple Estate Affidavit Criteria Work Group. The meeting was intended to introduce work group members, orient members to the Oregon Law Commission process, discuss the proposal, and address threshold questions before substantive work begins.

II. Discussion

a. Orientation to Oregon Law Commission Process

OLC staff provided an overview of the Oregon Law Commission process, explaining that the Commission is a nonpartisan organization that works on law reform projects submitted by legislators, judges, members of the public, law schools, and others. Work group meetings are public; meeting materials and recordings are posted publicly; and the record may be useful later for legislative history if the project results in legislation.

The anticipated final work product, if the work group recommends legislation, would be statutory language and a report submitted to the full Commission, which could then submit the proposal to the legislature for consideration. The current goal is to prepare a bill for the 2029 or 2031 legislative session, with the work group expected to meet monthly at a time determined by members' availability.

Members were encouraged to bring their experience and critical thinking to the process, including concerns or disagreement about policy choices or statutory language. Members were also reminded that they are participating based on their individual and professional judgment and experience, rather than as representatives of a particular client or employer.

b. Discussion of Proposal and Scope of Project

The project arose after legislative activity in the prior session proposed increasing the simple estate affidavit threshold, which raised broader questions about whether Oregon's existing process is working appropriately. The work group will examine whether Oregon's simplified estate process should be studied, evaluated, or changed, including how to balance simplicity with the need for court oversight.

The group discussed the purpose of the simple estate affidavit process as a simplified probate process for a range of estates, including estates where some assets must be probated to carry out a trust-based dispositive plan. The current thresholds discussed were \$75,000 for personal property and \$200,000 for real property. The group noted that increased home values in Oregon may prevent some estates from using the simplified process even when the estate might otherwise be appropriate for it. The chat included additional statutory context on the treatment of manufactured homes and exceptions for specifically devised property and property devised to a trustee of a nontestamentary trust.

The work group discussed the need to evaluate where valuation issues arise, how Oregon's process compares with processes in other states, and whether other jurisdictions' experiences could help Oregon improve its process. It was noted that Oregon's estate tax exemption may remain relevant to the project, but the work group cannot assume the exemption will change before any proposal is ready for a future legislative session.

Several topics were identified for future consideration. Questions and comments raised included whether the simple estate affidavit process is constitutional under *Tulsa Professional Collection Services v. Pope*, whether circuit court judges or probate commissioners should participate in the work group, how tribal members may experience the process differently depending on the probate jurisdiction involved, and whether ORS 166.435 should be amended to allow someone other than a personal representative to transfer a firearm in a small estate. Members were encouraged to ask judges, probate commissioners, and other professionals about their experiences with the current process, comparable processes in other states, and possible solutions.

The group also discussed the importance of hearing from people and entities that regularly handle simple estate affidavits in practice. Particular attention was given to participation by land title representatives, financial institutions, credit unions, stock brokerage representatives, the Department of Justice, and others whose experiences may identify where the process works well, where it creates difficulty, and where fraud or creditor-rights concerns may arise.

Valerie Sasaki indicated a willingness to serve as the chair and invited anyone else interested in serving as chair to contact Amy Zubko. The group also discussed the reporter role, which now

involves working with Commission staff and law students on the report and potentially serving as a backup if the chair is unavailable. If any work group members are interested in serving as the reporter, please contact Amy Zubko.

III. Scheduling

The next step will be to convene a smaller group over the summer to help develop a work plan for the full work group to consider. The work plan is expected to begin with a list of questions and issues for the group to address, recognizing that the process may be recursive and that the initial questions may lead to additional questions. Because the project does not involve a uniform act or existing model text for Oregon to analyze, the work group expects to begin at a more conceptual level before moving toward potential statutory language.

Amy will send a Doodle poll after July 4, along with a deadline for members to submit issue areas or questions they would like the group to consider. Members who are interested in helping develop the work plan may participate in summer meetings or send proposed issues and questions by email. The full work group is expected to reconvene in September.