

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass and Be Placed on the Consent Calendar
Vote:	9 - 0 - 1
Yeas:	Barton, Cameron, Garrett, Krieger, Olson, Smith J., Stiegler, Whisnant, Barker
Nays:	0
Exc.:	Shields
Prepared By:	Anna Braun, Counsel
Meeting Dates:	3/13

WHAT THE MEASURE DOES: Allows limited judgment in probate proceedings to award expenses to personal representative. Allows limited judgment in protective proceeding to authorize payment to persons providing services to protected person.

ISSUES DISCUSSED:

- Provisions of the measure

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Currently, Oregon probate law allows for the entry of an order awarding attorney fees and costs to attorneys in probate matters such as estates, guardianships, conservatorships, and other protective proceedings. Unlike a judgment, an order does not secure the right to payment of the approved fees and costs, and there is no remedy properly available if those fees and costs are not paid. There is also no way to recover interest that would otherwise accrue in such a situation, even though substantial amounts may remain unpaid for a period of years. SB 370 authorizes the court to enter a judgment on the award of costs and/or attorney fees in any circumstances in an estate, a guardianship, a conservatorship, or other protective proceeding.