

# Senate Bill 370

Sponsored by COMMITTEE ON JUDICIARY (at the request of Oregon State Bar Elder Law Section)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows entry of limited judgment for decision on request for award of expenses of personal representative. Allows entry of limited judgment for decision on payments authorized or subject to court approval in protective proceedings.

## A BILL FOR AN ACT

1  
2 Relating to limited judgments; amending ORS 111.275 and 125.030.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 111.275 is amended to read:

5 111.275. (1) The court in a probate proceeding under ORS chapters 111, 112, 113, 114, 115, 116  
6 and 117 may enter a limited judgment only for the following decisions of the court:

7 (a) A decision on a petition for appointment or removal of a personal representative.

8 (b) A decision in a will contest filed in the probate proceeding.

9 (c) A decision on an objection to an accounting.

10 (d) A decision on a request made in the proceeding for a declaratory judgment under ORS  
11 111.095.

12 (e) **A decision on a request for an award of expenses under ORS 116.183.**

13 [*e*] (f) Such decisions of the court as may be specified by rules or orders of the Chief Justice  
14 of the Supreme Court under ORS 18.028.

15 (2) A court may enter a limited judgment under this section only if the court determines that  
16 there is no just reason for delay. The judgment document need not reflect the court's determination  
17 that there is no just reason for delay.

18 **SECTION 2.** ORS 125.030 is amended to read:

19 125.030. (1) The appointment of a fiduciary in a protective proceeding shall be made by limited  
20 judgment.

21 (2) The court in a protective proceeding may enter a limited judgment only for the following  
22 decisions of the court:

23 (a) A decision on an objection to an accounting.

24 (b) A decision on placement of a protected person.

25 (c) A decision on the sale of the residence of a protected person.

26 (d) **A decision on a payment that is authorized or subject to approval under ORS 125.095.**

27 [*d*] (e) Such decisions of the court as may be specified by rules or orders of the Chief Justice  
28 of the Supreme Court under ORS 18.028.

29 (3) A court may enter a limited judgment under subsection (2) of this section only if the court  
30 determines that there is no just reason for delay. The judgment document need not reflect the  
31 court's determination that there is no just reason for delay.

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

