

March 23, 2015

**BY E-MAIL [Sen.FloydProzanski@state.or.us](mailto:Sen.FloydProzanski@state.or.us)**

The Honorable Floyd Prozanski  
The Oregon State Senate  
900 Court Street NE, S-415  
Salem, OR 97301-4042

Dear Floyd:

As you know, I am an estate planning attorney. I am writing to you in support of Senate Bill 369.

Most of my clients designate fiduciaries who they wish to be able to access their digital records. This is a very important issue to my clients as access to digital records can be vital in the administration of trusts and estates.

In particular, the majority of my clients use trusts to provide a clear means to allow a successor trustee to manage assets, pay bills and access information necessary to file required tax returns if the client becomes incapacitated.

Custodians of funds, such as banks and brokerages, frequently ask their customers to dispense with paper records and to accept delivery of those records in digital format only. In the case of an incapacitated individual, if the designated successor trustee is unable to access those digital records, the individual's plan to provide for management of the individual's assets, paying bills and handling tax issues during the client's incapacity is defeated.

Similarly, the client expects that at his or her death, the client's trust or estate assets will pass to the client's intended beneficiaries with a minimum of difficulty. If the successor trustee of a decedent, or the personal representative of the probate estate, is unable to access digital records, then the estate planning goals of the client will not be met. With respect to bank or brokerage accounts that are available online only, it may be very difficult for the trustee or personal representative to even inventory the decedent's assets or file required tax returns.

I urge your support of Senate Bill 369.

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I understand there is a competing bill in the house (HB 2647), which would require a proceeding in probate court to allow only personal representatives to access such records. Since one of the goals of a trust is to avoid the need for probate, the competing bill would be completely contrary to the wishes and expectations of the majority of my clients who have chosen to use a revocable trust for their estate plans.

Thank you for your attention to this issue.

Yours truly,



WILLIAM D. BREWER

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