Seventy-Eighth Oregon Legislative Assembly - 2015 Regular Session		**MEASURE:**	**SB 402 A**
STAFF MEASURE SUMMARY		**CARRIER:**	**Sen. Kruse**
Senate Committee On Judiciary			

Fiscal: No Fiscal Impact
Revenue: No Revenue Impact

Action Date: 02/23/15
Action: Do Pass With Amendments. (Printed A-Eng.)
Meeting Dates: 02/23
Senate
Yeas: 5 - Burdick, Gelser, Thatcher, Prozanski, Kruse

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WHAT THE MEASURE DOES:

Allows affiant in small estate to open deposit accounts with funds from decedent and to pay claims and expenses of decedent or small estate. Provides liability protection for financial institutions that open accounts for small estate affiants. Specifies financial institution is not required to ensure that funds are properly applied.

ISSUES DISCUSSED:

- Definition of small estate
- Problem for banks to allow use of another's money without clear authority
- Difficulty and expense in obtaining letters of testamentary
- Potential amendments in House Committee

EFFECT OF COMMITTEE AMENDMENT:

Corrects language error.

BACKGROUND:

Oregon allows a successor or personal representative of a deceased person to file an affidavit in probate court for administration of the estate, if the estate has no more than $200,000 value in real property and $75,000 in personal property. Through the use of the small estate affidavit, the successor can access a decedent's assets and pay debts. Oregon law is silent on the successor's ability to open bank accounts with the decedent's money, and as a result, some financial institutions may be wary of opening such accounts without clear guidance.

Senate Bill 402 A allows an affiant in a small estate proceeding to open deposit accounts with the decedent's funds, for the purpose of paying claims and expenses of the estate. It further specifies that financial institutions are not liable to any person for the affiant's use of those funds, nor is the institution required to ensure the funds are used properly.