

HB 4102-A3
(LC 61)
2/11/16 (BLS/ps)

Requested by Representative BARTON (at the request of Oregon Law Commission)

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 4102**

1 On page 1 of the printed A-engrossed bill, line 27, before the period insert
2 “and includes an adopted child and the adopted child’s descendants”.

3 On page 3, delete lines 21 through 45.

4 On page 4, delete lines 1 through 3 and insert:

5 **“SECTION 4.** ORS 112.045 is amended to read:

6 “112.045. The part of the net intestate estate not passing to the surviving
7 spouse shall pass:

8 “(1) To the issue of the decedent. Issue of different generations in relation
9 to the decedent take by representation as defined in ORS 112.065.

10 “(2) If there is no surviving issue [*or spouse*], to the surviving parents of
11 the decedent.

12 “(3) If there is no surviving issue[, *spouse*] or parent, to the brothers and
13 sisters of the decedent and the issue of any deceased brother or sister of the
14 decedent by representation as defined in ORS 112.065. If there is no surviving
15 brother or sister, the issue of brothers and sisters take equally if they are
16 all of the same generation in relation to the decedent, but if of different
17 generations, then those of later generations take by representation as defined
18 in ORS 112.065.

19 “(4)(a) If there is no surviving issue, [*spouse*,] parent or issue of a parent,
20 equally to the grandparents of the decedent and the issue of any deceased
21 grandparent of the decedent by representation as defined in ORS 112.065 **who**

1 **left issue surviving at the time of the decedent's death.** If one or more
2 grandparents of the decedent do not survive the decedent, the issue of the
3 grandparents take equally if they are all of the same generation in relation
4 to the decedent, but if of different generations, then those of later gener-
5 ations take by representation as defined in ORS 112.065.

6 “(b) If there is no surviving grandparent, the issue of grandparents take
7 equally if they are all of the same generation in relation to the decedent,
8 but if of different generations, then those of later generations take by rep-
9 resentation as defined in ORS 112.065.

10 “(5) If, at the time of taking, surviving parents or grandparents of the
11 decedent are married to each other, they shall take real property as tenants
12 by the entirety and personal property as joint owners with the right of
13 survivorship.

14 **“SECTION 4a.** ORS 112.045, as amended by section 4 of this 2016 Act, is
15 amended to read:

16 “112.045. The part of the net intestate estate not passing to the surviving
17 spouse shall pass:

18 “(1) To the [*issue*] **descendants** of the decedent **by representation as**
19 **described in ORS 112.065.** [*Issue of different generations in relation to the*
20 *decedent take by representation as defined in ORS 112.065.*]

21 “(2) If there is no surviving [*issue*] **descendant**, to the surviving parents
22 of the decedent.

23 “(3) If there is no surviving [*issue*] **descendant** or parent, **equally** to the
24 brothers and sisters of the decedent and [*the issue*] **by representation as**
25 **described in ORS 112.065 to the descendants** of any deceased brother or
26 sister of the decedent [*by representation as defined in ORS 112.065*]. If there
27 is no surviving brother or sister, the [*issue*] **descendants** of brothers and
28 sisters take equally if they are all of the same generation in relation to the
29 decedent, but if of different generations, then those of later generations take
30 by representation as [*defined*] **described** in ORS 112.065.

1 “(4)(a) If there is no surviving [*issue, parent or issue*] **descendant, parent**
2 **or descendant** of a parent, equally to the grandparents of the decedent and
3 [*the issue*] **by representation as described in ORS 112.065 to the de-**
4 **scendants** of any deceased grandparent of the decedent [*by representation*
5 *as defined in ORS 112.065*] who left [*issue*] **descendants** surviving at the
6 time of the decedent’s death. If one or more grandparents of the decedent do
7 not survive the decedent, the [*issue of the*] **descendants of each of the de-**
8 **ceased** grandparents take equally if they are all of the same generation in
9 relation to the decedent, but if of different generations, then those of later
10 generations take by representation as [*defined*] **described** in ORS 112.065.

11 “(b) If there is no surviving grandparent, the [*issue*] **descendants** of
12 grandparents take equally if they are all of the same generation in relation
13 to the decedent, but if of different generations, then those of later gener-
14 ations take by representation as [*defined*] **described** in ORS 112.065.

15 “(5) If, at the time of taking, surviving parents or grandparents of the
16 decedent are married to each other, they shall take real property as tenants
17 by the entirety and personal property as joint owners with the right of
18 survivorship.”.

19 On page 13, line 23, after “112.035” insert “, 112.045”.

20 In line 24, after “3,” insert “4a.”.

21 In line 27, after “112.035” insert “, 112.045”.

22 In line 28, after “3,” insert “4a.”.

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