

D R A F T

SUMMARY

Modifies provisions relating to small estates.

Clarifies that execution of bargain and sale deed does not place personal representative of estate in chain of title to property conveyed, except under certain circumstances.

Clarifies procedure for opening and examination of contents of safe deposit box of decedent.

A BILL FOR AN ACT

1
2 Relating to estates; creating new provisions; and amending ORS 58.387,
3 113.238, 114.215, 114.505, 114.515, 114.517, 114.520, 114.525, 114.535, 114.537,
4 114.540, 114.545, 114.550, 114.552, 114.555, 114.560, 116.223, 130.150, 238.390,
5 238.458, 446.616, 708A.655, 723.844 and 803.094.

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

7 **SECTION 1.** ORS 114.505 is amended to read:

8 114.505. As used in ORS 114.505 to 114.560:

9 (1) “Affiant” means the person or persons signing [*an*] **a small estate**
10 affidavit [*filed under ORS 114.515*].

11 (2) “Claiming successors” means:

12 (a) If the decedent died intestate, the heir or heirs of the decedent, or if
13 there is no heir, an estate administrator of the Department of State Lands
14 appointed under ORS 113.235;

15 (b) If the decedent died testate, the devisee or devisees of the decedent;
16 and

17 (c) Any creditor of the estate entitled to payment or reimbursement from
18 the estate under ORS 114.545 [(1)(d)] **(1)(f)** who has not been paid or reim-

1 bursed the full amount owed such creditor within 60 days after the date of
2 the decedent's death.

3 [(3) "Estate" means decedent's property subject to administration in
4 Oregon.]

5 (3) "Small estate affidavit" means an affidavit or amended affidavit
6 filed under ORS 114.515.

7 **SECTION 2.** Section 3 of this 2019 Act is added to and made a part
8 of ORS 114.505 to 114.560.

9 **SECTION 3. Value limitations for small estate.** (1) A person who
10 meets the requirements of ORS 114.515 may file a small estate affidavit
11 only with regard to an estate in which:

12 (a) Not more than \$75,000 of the fair market value of the estate is
13 attributable to personal property; and

14 (b) Not more than \$200,000 of the fair market value of the estate is
15 attributable to real property.

16 (2) The fair market value of the estate shall be determined under
17 this section:

18 (a) As of the date of death; or

19 (b) If the date of death is more than one year before the date of
20 filing of the affidavit, as of a date within 45 days before the filing of
21 the affidavit.

22 (3) In determining fair market value under this section, the fair
23 market value of the entire interest in the property included in the
24 estate shall be used without reduction for liens or other debts.

25 **SECTION 4.** ORS 114.515 is amended to read:

26 114.515. (1) If the estate of a decedent meets the requirements of [*sub-*
27 *section (2) of this section*] **section 3 of this 2019 Act**, any of the following
28 persons may file [*an*] a **small estate** affidavit with the clerk of the probate
29 court in any county where there is venue for a proceeding seeking the ap-
30 pointment of a personal representative for the estate:

31 (a) One or more of the claiming successors of the decedent.

1 (b) If the decedent died testate, any person named as personal represen-
2 tative in the decedent's will.

3 (c) The Director of Human Services, the Director of the Oregon Health
4 Authority or an attorney approved under ORS 114.517, if the decedent re-
5 ceived public assistance as defined in ORS 411.010, received medical assist-
6 ance as defined in ORS 414.025 or received care at an institution as defined
7 in ORS 179.010, and it appears that the assistance or the cost of care may
8 be recovered from the estate of the decedent.

9 *[(2) An affidavit under this section may be filed only if:]*

10 *[(a) The fair market value of the estate is \$275,000 or less;]*

11 *[(b) Not more than \$75,000 of the fair market value of the estate is attrib-*
12 *utable to personal property; and]*

13 *[(c) Not more than \$200,000 of the fair market value of the estate is attrib-*
14 *utable to real property.]*

15 **(2) A person may not file a small estate affidavit if:**

16 **(a) The person would be disqualified from acting as a personal rep-**
17 **resentative under ORS 113.095; or**

18 **(b) The person has been convicted of a felony in Oregon or in an-**
19 **other jurisdiction.**

20 (3) *[An]* **A small estate** affidavit *[under this section]* may not be filed
21 until 30 days after the death of the decedent.

22 (4) *[An]* **A small estate** affidavit *[filed under the provisions of this*
23 *section]* must contain the information required in ORS 114.525 and shall be
24 made a part of the probate records. If the affiant is an attorney approved by
25 the Director of Human Services or the Director of the Oregon Health Au-
26 thority, a copy of the document approving the attorney must be attached to
27 the affidavit.

28 *[(5) In determining fair market value under this section, the fair market*
29 *value of the entire interest in the property included in the estate shall be used*
30 *without reduction for liens or other debts.]*

31 *[(6)]* **(5)** The clerk of the probate court shall charge and collect the fee

1 established under ORS 21.145 for the filing of *[any]* a **small estate** affidavit
2 *[under this section]*.

3 **(6)(a) Except as provided in subsection (7) of this section, the affiant**
4 **shall file an amended small estate affidavit in the following circum-**
5 **stances:**

6 **(A) To correct a material error or omission in a previous affidavit.**

7 **(B) To include property not described in a previous affidavit.**

8 **(b) The amended affidavit must include all information required**
9 **under ORS 114.525 and state the value of the property as of the date**
10 **used to prepare the original affidavit.**

11 **(7) If the fair market value of the property listed in the amended**
12 **affidavit exceeds the value limitations for a small estate under section**
13 **3 of this 2019 Act, an affiant may not file an amended small estate**
14 **affidavit under subsection (6) of this section and the affiant's author-**
15 **ity with regard to the estate is terminated, except that the affiant**
16 **shall deliver assets of the estate in the affiant's possession upon re-**
17 **quest by a personal representative appointed under ORS 113.085. The**
18 **affiant shall promptly file notice with the court that the estate of the**
19 **decedent is not subject to ORS 114.505 to 114.560 and shall serve a copy**
20 **of the notice on each person who received a copy of the previous affi-**
21 **davit.**

22 **(8) The clerk of the probate court may acknowledge a small estate**
23 **affidavit upon presentation of the identification of the affiant and the**
24 **affiant's statement under penalty of perjury.**

25 *[(7) Any error or omission in an affidavit filed under this section may be*
26 *corrected by filing an amended affidavit within four months after the filing*
27 *of the affidavit.]*

28 *[(8) One or more supplemental affidavits may be filed at any time after the*
29 *filing of an affidavit under this section for the purpose of including property*
30 *not described in the original affidavit. Copies of all previously filed affidavits*
31 *must be attached to the supplemental affidavit and all information required*

1 *in ORS 114.525 must be reflected in the supplemental affidavit. A supplemental*
2 *affidavit may not be filed if by reason of the additional property described in*
3 *the supplemental affidavit any limitation imposed by subsection (2) of this*
4 *section is exceeded.]*

5 **SECTION 5.** ORS 114.517 is amended to read:

6 114.517. The Director of Human Services, or the director's designated
7 representative, or the Director of the Oregon Health Authority, or the
8 director's designated representative, may approve in writing attorneys who
9 are eligible to file *[an]* **a small estate** affidavit *[under ORS 114.515]* if the
10 decedent received public assistance as defined in ORS 411.010, received med-
11 ical assistance as defined in ORS 414.025 or received care at an institution
12 as defined in ORS 179.010, and it appears that the assistance or the cost of
13 care may be recovered from the estate of the decedent. An attorney approved
14 under this section does not represent the Director of Human Services or the
15 Director of the Oregon Health Authority when the attorney files *[an]* **a**
16 **small estate** affidavit *[under ORS 114.515]*.

17 **SECTION 6.** ORS 114.520 is amended to read:

18 114.520. (1) If a decedent dies intestate and without heirs, a creditor of
19 an estate who is a claiming successor may not file *[an]* **a small estate** affi-
20 davit *[under ORS 114.515]* unless the creditor has received written authori-
21 zation from *[an estate administrator of]* the Department of State Lands
22 *[appointed under ORS 113.235]*. Except as provided by rule adopted by the
23 Director of the Department of State Lands, *[an estate administrator]* **the**
24 **department** shall consent to the filing of *[an]* **a small estate** affidavit
25 *[under ORS 114.515]* by a creditor only if it appears after investigation that
26 the estate is insolvent.

27 (2) A creditor of an estate who is subject to subsection (1) of this section
28 may give written notice to *[an estate administrator of]* the Department of
29 State Lands informing the *[estate administrator]* **department** that the credi-
30 tor intends to file *[an]* **a small estate** affidavit *[under ORS 114.515]*. Upon
31 receiving the notice permitted by this subsection, the *[estate administrator]*

1 **department** shall investigate the assets and liabilities of the estate. Within
2 30 days after receiving the notice required by this subsection, the [*estate*
3 *administrator*] **department** shall either:

4 (a) Give written authorization to the creditor for the filing of [*an*] a
5 **small estate** affidavit by the creditor [*under ORS 114.515*]; or

6 (b) Inform the creditor that the Department of State Lands will file [*an*]
7 **a small estate** affidavit as claiming successor [*under ORS 114.515*].

8 (3) If a decedent dies intestate and without heirs, a creditor of an estate
9 who is a claiming successor and who files [*an*] **a small estate** affidavit
10 [*under ORS 114.515*] must notate at the top of the affidavit that the affidavit
11 is being filed by a creditor of the estate. If the affidavit contains the notation
12 required by this subsection, the clerk of the probate court may not accept
13 the affidavit for filing unless there is attached to the affidavit written au-
14 thorization for the filing of the affidavit by the creditor from [*an estate ad-*
15 *ministrators of*] the Department of State Lands. The written authorization may
16 be a copy of a memorandum of an interagency agreement between the De-
17 partment of State Lands and another state agency.

18 **SECTION 7.** ORS 114.525 is amended to read:

19 114.525. (1) [*An*] **A small estate** affidavit [*filed under ORS 114.515*] must:

20 [(1)] (a) State the name, age, domicile[,] **and** post-office address and **last**
21 **four digits of the** Social Security number of the decedent[;].

22 [(2)] (b) State the date and place of the decedent's death. [*A certified copy*
23 *of the death record must be attached to the affidavit;*]

24 [(3)] (c) Describe and state the fair market value of all property in the
25 estate, **valued as provided in section 3 of this 2019 Act**, including a legal
26 description of any real property[;].

27 [(4)] *State that no application or petition for the appointment of a personal*
28 *representative has been granted in Oregon;*]

29 (d) **State that no personal representative of the estate has been**
30 **appointed in Oregon, that there is no pending petition for appointment**
31 **of a personal representative of the estate in Oregon and that the estate**

1 **is not currently being administered in Oregon.**

2 [(5)] (e) State whether the decedent died testate or intestate[, *and if the*
3 *decedent died testate, the will must be attached to the affidavit;*].

4 [(6)] (f) List the heirs of the decedent and the last address of each heir
5 as known to the affiant, and state that a copy of the affidavit showing the
6 date of filing and a copy of the will, if the decedent died testate, will be
7 delivered to each heir or mailed to the heir at the last-known address[;].

8 [(7)] (g) If the decedent died testate, list the devisees of the decedent and
9 the last address of each devisee as known to the affiant and state that a copy
10 of the will and a copy of the affidavit showing the date of filing will be de-
11 livered to each devisee or mailed to the devisee at the last-known
12 address[;].

13 [(8)] (h) State the interest in the property described in the affidavit to
14 which each heir or devisee is entitled and the interest, if any, that will
15 escheat[;].

16 [(9)] (i) State that reasonable efforts have been made to ascertain credi-
17 tors of the estate[;].

18 [(10)] (j) List the [*expenses of and*] claims against the estate [*remaining*]
19 **that are undisputed by the affiant and that remain** unpaid or on account
20 of which the affiant or any other person is entitled to reimbursement from
21 the estate, including the known or estimated amounts of the [*expenses and*]
22 claims and the names and addresses of the creditors as known to the affiant,
23 and state that a copy of the affidavit showing the date of filing will be de-
24 livered to each creditor who has not been paid in full or mailed to the
25 creditor at the last-known address[;].

26 [(11)] (k) Separately list the name and address of each person known to
27 the affiant to assert a claim against the estate that the affiant disputes and
28 the known or estimated amount of the [*claim*] **claims disputed by the**
29 **affiant** and state that a copy of the affidavit showing the date of filing will
30 be delivered to each such person or mailed to the person at the last-known
31 address[;].

1 **(L)(A) State the mailing address for presentment of claims; and**

2 **(B) If the affiant wishes to authorize creditors to present claims by**
3 **electronic mail or facsimile communication, state the electronic mail**
4 **address or facsimile number for presentment of claims.**

5 **(m) List anticipated administrative expenses and attorney fees, if**
6 **any.**

7 **(n) State that the affiant is not disqualified from acting as an**
8 **affiant under ORS 114.515 (2).**

9 **[(12)] (o) State that a copy of the affidavit showing the date of filing and**
10 **a copy of the death record will be mailed or delivered to the Department**
11 **of Human Services or to the Oregon Health Authority, as prescribed by rule**
12 **by the department or authority[;].**

13 **(p) State, to the best of the affiant's knowledge, whether the**
14 **decedent was incarcerated in a correctional facility in this state at any**
15 **time in the 15 years before the decedent's death and, if the decedent**
16 **was incarcerated in a correctional facility in this state at any time in**
17 **the 15 years before the decedent's death, state that a copy of the affi-**
18 **davit showing the date of filing and a copy of the death record will be**
19 **mailed or delivered to the Department of Corrections.**

20 **(q) State that undisputed claims against the estate will be paid as**
21 **provided in ORS 114.545.**

22 **[(13)] (r) State that claims against the estate not listed in the affidavit**
23 **or in amounts larger than those listed in the affidavit may be barred unless:**

24 **[(a)] (A) A claim is presented to the affiant within four months of the**
25 **filing of the affidavit or amended affidavit at the address, electronic mail**
26 **address or facsimile number stated in the affidavit for presentation of**
27 **claims; or**

28 **[(b)] (B) A personal representative of the estate is appointed within the**
29 **time allowed under ORS 114.555[; and].**

30 **[(14)] (s) If the affidavit lists one or more claims that the affiant disputes,**
31 **state that any such claim may be barred unless:**

1 [(a)] (A) A petition for summary determination is filed within four months
2 of the filing of the affidavit; or

3 [(b)] (B) A personal representative of the estate is appointed within the
4 time allowed under ORS 114.555.

5 (2) **The affiant shall file a certified copy of the death record of the**
6 **decedent as a confidential document.**

7 (3) **If the decedent died testate, the affiant shall file simultaneously**
8 **with the small estate affidavit:**

9 (a)(A) **The original will; or**

10 (B) **If the original will is filed in an estate proceeding in another**
11 **jurisdiction, a certified copy of the original will; and**

12 (b) **Proof of the will meeting the requirements of ORS 113.055.**

13 **SECTION 8.** ORS 114.535 is amended to read:

14 114.535. (1) [*Not sooner than 10 days after the filing of an affidavit under*
15 *ORS 114.515, the affiant may deliver a certified copy of the affidavit to any*
16 *person who was indebted to the decedent or]* **The affiant may deliver a**
17 **certified copy of a small estate affidavit to any person** who has pos-
18 session of personal property belonging to the estate **or who was indebted**
19 **to the decedent.** Except as provided in this section, upon receipt of the
20 **certified** copy, the person shall pay[,] **the debt or** transfer, deliver, provide
21 access to and allow possession of the personal property to the affiant.

22 (2) Subject to ORS 114.537, if a **certified** copy of [*an*] **a small estate af-**
23 **fidavit** is delivered under subsection (1) of this section to a person that
24 controls access to personal property belonging to the estate of the decedent,
25 including personal property held in a safe deposit box for which the decedent
26 was the sole lessee or the last surviving lessee, the person shall:

27 (a) Provide the affiant with access to the decedent's personal property;
28 and

29 (b) Allow the affiant to take possession of the personal property.

30 (3) Subject to ORS 114.537, if a **certified** copy of [*an*] **a small estate af-**
31 **fidavit** is delivered under subsection (1) of this section to a person who **owes**

1 **a debt to the decedent or** has received property of the decedent under ORS
2 446.616, 708A.430, 723.466 or 803.094, or a similar statute providing for the
3 transfer of property of an estate that is not being probated, the person shall
4 pay[,] **the debt or** transfer, deliver, provide access to or allow possession of
5 the property to the affiant if the person would be required to pay[,] **the debt**
6 **or** transfer, deliver, provide access to or allow possession of the property to
7 a personal representative of the estate.

8 (4) Any person that pays[,] **a debt owing to the decedent or** transfers,
9 delivers, provides access to or allows possession of property of a decedent in
10 the manner provided by this section is discharged and released from any li-
11 ability or responsibility for the **debt or** property in the same manner and
12 with the same effect as if the **debt had been paid or the** property had been
13 transferred[,] **or** delivered [*or paid*] to a personal representative of the estate
14 of the decedent.

15 (5) **The affiant may deliver a certified copy of a small estate affi-**
16 **davit to** a transfer agent of any corporate security registered in the name
17 of the decedent. **The transfer agent** shall change the registered ownership
18 on the books of the corporation to the [*person entitled thereto on presentation*
19 *of a certified copy of the affidavit filed under ORS 114.515*] **affiant or the**
20 **person named in the affidavit entitled to it, as directed by the**
21 **affiant.**

22 (6) If a person to whom [*an*] **a certified copy of a small estate** affidavit
23 is delivered **under this section** refuses to pay[,] **a debt or** deliver, transfer,
24 provide access to or allow possession of [*any*] personal property as required
25 by this section, the **affiant may file a motion to compel payment of the**
26 **debt or delivery of, transfer of or access to the personal property**
27 [*property may be recovered or payment, delivery, transfer of or access to the*
28 *property may be compelled upon proof of the transferee's entitlement in a pro-*
29 *ceeding brought for the purpose by or on behalf of the transferee*]. **The court**
30 **may award reasonable attorney fees to the prevailing party if the court**
31 **finds that the affiant filed the motion without an objectively reason-**

1 **able basis or the person refused to pay the debt or deliver, transfer,**
 2 **provide access to or allow possession of any personal property without**
 3 **an objectively reasonable basis.**

4 (7) If [*the*] **a small estate** affidavit was signed by the Director of Human
 5 Services, the Director of the Oregon Health Authority or an attorney ap-
 6 proved under ORS 114.517, the Director of Human Services, the Director of
 7 the Oregon Health Authority or the attorney may certify a copy of the affi-
 8 davit for the purposes described in this section.

9 **SECTION 9.** ORS 114.537 is amended to read:

10 114.537. (1) If a [*claiming successor or other*] person who is eligible to file
 11 [*an*] **a small estate** affidavit [*under ORS 114.515*] is aware that the decedent
 12 was the sole lessee or the last surviving lessee of a safe deposit box **or was**
 13 **the owner of the contents of a safe deposit box** at the time of the
 14 decedent's death, the claiming successor or other person may not file [*an*] **a**
 15 **small estate** affidavit [*under ORS 114.515*] until the person requests an in-
 16 ventory of the box under ORS 708A.655, if the lessor of the box is an Oregon
 17 operating institution as defined in ORS 706.008, or under ORS 723.844, if the
 18 lessor of the box is a credit union as defined in ORS 723.008. Upon receiving
 19 the request, the lessor of the box shall cause an inventory of the contents
 20 of the box to be made. The lessor shall retain the original inventory in the
 21 box and shall provide a copy of the inventory to the person requesting the
 22 inventory. The person requesting the inventory shall take the contents of the
 23 box into consideration in determining whether the estate of the decedent is
 24 within the limits prescribed by [*ORS 114.515 (2)*] **section 3 of this 2019**
 25 **Act.** If [*an*] **the person files a small estate** affidavit [*under ORS 114.515*
 26 *is filed by the person*], the **affidavit must contain a statement of the value**
 27 of the contents of the box [*shall be stated in the affidavit*].

28 (2) If [*a person who has filed an affidavit under ORS 114.515*] **an affiant**
 29 becomes aware after the filing of [*the*] **a small estate** affidavit that the
 30 decedent was the sole lessee or the last surviving lessee of a safe deposit box
 31 **or was the owner of the contents of a safe deposit box** at the time of the

1 decedent's death, the [person] **affiant** shall promptly request an inventory
2 of the box under ORS 708A.655, if the lessor of the box is an Oregon oper-
3 ating institution as defined in ORS 706.008, or under ORS 723.844, if the
4 lessor of the box is a credit union as defined in ORS 723.008. Upon receiving
5 the request, the lessor of the box shall cause an inventory of the contents
6 of the box to be made. The lessor shall retain the original inventory in the
7 box and shall provide a copy of the inventory to the [person requesting the
8 inventory] **affiant**. If the estate of the decedent remains within the limits
9 prescribed by [ORS 114.515 (2)] **section 3 of this 2019 Act** after consider-
10 ation of the value of the contents of the box, the [person] **affiant** shall file
11 an amended **small estate** affidavit under ORS 114.515 (6). Upon [providing
12 the lessor of the box with] **receiving** a certified copy of the amended affidavit,
13 the lessor shall allow the [person] **affiant** to take possession of the contents
14 of the box. If the estate of the decedent exceeds the limits prescribed by
15 [ORS 114.515 (2)] **section 3 of this 2019 Act** after consideration of the value
16 of the contents of the box, the [person] **affiant** may not file an amended
17 **small estate** affidavit [under ORS 114.515] and shall file notice with the
18 court that the estate of the decedent is not subject to ORS 114.505 to 114.560
19 and shall serve a copy of the notice on the lessor of the box. The lessor of
20 the box shall [thereafter] deliver the contents of the box to the personal
21 representative for the decedent, or to such other person as may be provided
22 for under the terms of the lease of the box.

23 **SECTION 10.** ORS 114.540 is amended to read:

24 114.540. (1)(a) A claim against an estate with respect to which [an] a
25 **small estate** affidavit is filed [under ORS 114.515] may be presented to the
26 affiant within four months after the affidavit was filed. If an amended **small**
27 **estate** affidavit is filed under ORS 114.515 [(7)] (6), claims against the estate
28 [must be filed] **may be presented** within four months after the filing of the
29 amended affidavit. [If a supplemental affidavit is filed under ORS 114.515 (8),
30 claims against the estate must be filed within four months after the filing of
31 the supplemental affidavit.]

1 (b) Except as provided in ORS 114.550, a claim presented after the
2 limitations described in paragraph (a) of this subsection is barred.

3 (c) Filing a claim with the court does not constitute presentation
4 to the affiant.

5 (d)(A) Except as provided in subparagraph (B) of this paragraph, a
6 claim is presented to the affiant when the claim is mailed or per-
7 sonally delivered to the affiant at the mailing address for presentment
8 of claims included in the small estate affidavit under ORS 114.525.

9 (B) If the affiant authorized creditors to present claims by elec-
10 tronic mail or facsimile communication in the small estate affidavit
11 as provided in ORS 114.525, a claim is presented to the affiant when it
12 is sent to the electronic mail address or the facsimile number desig-
13 nated by the affiant for presentment of claims, unless the sender re-
14 ceives a notice that the electronic mail was not delivered or the
15 facsimile communication was not successful. If the affiant denies re-
16 ceiving the electronic mail or facsimile communication, the burden
17 of proof is on the creditor to demonstrate that the electronic mail was
18 properly addressed and sent or that the facsimile communication was
19 properly addressed and successfully delivered or transmitted.

20 (e) Each claim presented to the affiant must include the information re-
21 quired by ORS 115.025.

22 (2)(a) A claim presented to the affiant **that was not listed in the small**
23 **estate affidavit** shall be considered allowed as presented unless within 60
24 days after the date of presentment of the claim the affiant mails or delivers
25 a notice of disallowance of the claim in whole or in part to the claimant and
26 any attorney for the claimant. A notice of disallowance of a claim [*shall*]
27 **must state the reason for the disallowance and** inform the claimant that
28 the claim has been disallowed in whole or in part and, to the extent disal-
29 lowed, will be barred unless:

30 [(a)] (A) The claimant [*proceeds*] **files a petition for summary deter-**
31 **mination** as provided in [*subsection (3) of this section*] **section 12 of this**

1 **2019 Act; or**

2 [(b)] **(B)** A personal representative is appointed within the time allowed
3 under ORS 114.555.

4 **(b) Statement of a reason for disallowance under this subsection is**
5 **not an admission by the affiant and does not preclude the assertion**
6 **of other defenses to the claim.**

7 *[(3) A creditor of the estate whose claim has been presented within the time*
8 *permitted by subsection (1) of this section and disallowed by the affiant may*
9 *within 30 days after the date of mailing or delivery of the notice of disallow-*
10 *ance file with the probate court a petition for summary determination of the*
11 *claim by the court. A creditor of the decedent whose claim is listed in the af-*
12 *fidavit as disputed may within four months after the filing of the affidavit file*
13 *with the probate court a petition for summary determination of the creditor's*
14 *claim by the court. The court shall hear the matter without a jury, after notice*
15 *to the creditor and affiant, and any interested person may be heard in the*
16 *proceeding. The claim may be proved as provided in ORS 115.195 (2). Upon the*
17 *hearing the court shall determine the claim in a summary manner and shall*
18 *make an order allowing or disallowing the claim in whole or in part. If the*
19 *court allows the claim in whole or in part, the order shall direct the affiant,*
20 *to the extent of property of the estate allocable to the payment of the claim*
21 *pursuant to ORS 115.125, or any claiming successor to whom payment, delivery*
22 *or transfer has been made under ORS 114.505 to 114.560 as a person entitled*
23 *thereto as disclosed in the affidavit, to the extent of the value of the property*
24 *received, to pay to the creditor the amount so allowed. No appeal may be taken*
25 *from the order of the court made upon the summary determination.]*

26 **SECTION 11. Section 12 of this 2019 Act is added to and made a part**
27 **of ORS 114.505 to 114.560.**

28 **SECTION 12. Summary determination. (1)(a) A creditor of an estate**
29 **whose claim has been presented within the time permitted by ORS**
30 **114.540 (1) and disallowed by the affiant in whole or in part may within**
31 **30 days after the date of mailing or delivery of the notice of disallow-**

1 **ance file with the probate court a petition for summary determination**
2 **of the claim by the court.**

3 **(b) A creditor of the decedent whose claim is listed in the small**
4 **estate affidavit as disputed may within four months after the filing**
5 **of the affidavit or amended affidavit listing the disputed claim file with**
6 **the probate court a petition for summary determination of the**
7 **creditor's claim by the court.**

8 **(2) The court shall hear a petition for summary determination filed**
9 **under this section without a jury, after notice to the creditor and**
10 **affiant, and any interested person may be heard in the proceeding.**

11 **(3) The claim may be proved as provided in ORS 115.195.**

12 **(4) Upon a hearing under this section the court shall determine the**
13 **claim in a summary manner and shall make an order allowing or dis-**
14 **allowing the claim in whole or in part.**

15 **(5) An order of the court made upon summary determination under**
16 **this section may not be appealed and may be enforced only by the fil-**
17 **ing of a petition for summary review under ORS 114.550.**

18 **SECTION 13. ORS 114.545 is amended to read:**

19 114.545. (1) The affiant:

20 **(a) Is a fiduciary who is under a general duty to administer, pre-**
21 **serve, settle and distribute the estate in accordance with the terms**
22 **of the will, the law of intestate succession and ORS 114.505 to 114.560**
23 **as expeditiously and with as little sacrifice of value as is reasonable**
24 **under the circumstances.**

25 **(b) May not commingle property of the estate of which the affiant**
26 **has taken possession with property of the affiant or any other person.**

27 **[(a)] (c) Shall take control of the property of the estate coming into the**
28 **possession of the affiant and collect the income from property of the**
29 **estate in the possession of the affiant.**

30 **[(b)] (d) Within 30 days after filing the small estate affidavit shall**
31 **mail[,] or deliver [or cause to be recorded] each instrument [which] that the**

1 affidavit states will be mailed[,] **or** delivered [*or recorded*].

2 [(c)] (e) May open one or more deposit accounts in a financial institution
3 as defined in ORS 706.008 with funds of the decedent, upon which the affiant
4 may withdraw funds by means of checks, drafts or negotiable orders of
5 withdrawal or otherwise for the payment of claims and expenses described
6 in paragraph [(d)] (f) of this subsection.

7 [(d)] (f) From and to the extent of the property of the estate, shall pay
8 or reimburse any person who has paid:

9 (A) Expenses described in ORS 115.125 (1)(b) and (c) and listed in the
10 **small estate** affidavit;

11 (B) Claims listed in the **small estate** affidavit as undisputed;

12 (C) Allowed claims presented to the affiant within the time permitted by
13 ORS 114.540; and

14 (D) Claims [*which*] **that** the probate court [*directs the affiant to pay*] **al-**
15 **lowed upon summary determination under section 12 of this 2019 Act.**

16 [(e)] (g) Shall pay claims and expenses under paragraph [(d)] (f) of this
17 subsection in the order of priority prescribed by ORS 115.125.

18 [(f) *May transfer or sell any vehicle that is part of the estate before the*
19 *completion of the period established under ORS 114.555 if the affiant complies*
20 *with the requirements established by the Department of Transportation for*
21 *such purposes under ORS 803.094.*]

22 [(g) *May convey any real or personal property that is part of the estate be-*
23 *fore the completion of the period established under ORS 114.555, provided that*
24 *each heir or devisee succeeding to the interest conveyed joins in the conveyance*
25 *and that any proceeds of sale, net of the reasonable expenses of sale and any*
26 *debt secured as of the date of the decedent's death by a duly perfected lien on*
27 *the property, shall become a part of the estate subject to ORS 114.505 to*
28 *114.560. If the property is a manufactured structure as defined in ORS 446.561,*
29 *the affiant must assign interest in the structure as provided in ORS 446.616.*
30 *Any conveyance to a purchaser in good faith and for a valuable consideration*
31 *made by the affiant and the heir or devisee succeeding to the interest conveyed,*

1 *or made by the heir or devisee succeeding to the interest conveyed after com-*
2 *pletion of the period established under ORS 114.555, conveys the interest stated*
3 *in the conveyance free of any interest of the claiming successors, and the pur-*
4 *chaser has no duty with respect to application of the consideration paid for the*
5 *conveyance.]*

6 **(h) May transfer and sell property that is part of the estate as**
7 **provided in section 15 of this 2019 Act.**

8 **(i) Shall retain records of the administration of the estate at least**
9 **until the later of:**

10 **(A) The expiration of the two-year period established in ORS 114.550;**
11 **or**

12 **(B) The conclusion of any summary review proceeding under ORS**
13 **114.550.**

14 (2) Notwithstanding any other provision of this section **or section 15 of**
15 **this 2019 Act**, when an heir or devisee entitled to succeed to a conveyance
16 fails or refuses to join in the conveyance as required by [*subsection (1)(g) of*
17 *this section*] **section 15 of this 2019 Act**, an affiant approved under ORS
18 114.517 may convey any real or personal property that is part of the estate
19 at any time to a third party for a valuable consideration.

20 (3) Property conveyed by an affiant under **section 15 of this 2019 Act**
21 this section is subject to liens and encumbrances against the decedent or the
22 estate of the decedent [*but*]. **Property conveyed by an affiant under sec-**
23 **tion 15 of this 2019 Act** is not subject to rights of creditors of the decedent
24 or liens or encumbrances against the heirs or devisees of the decedent. The
25 [*filing*] **presentation** and allowance of a claim in a proceeding under ORS
26 114.505 to 114.560 does not make the claimant a secured creditor.

27 (4) Any claiming successor to whom [*payment, delivery or transfer is made*
28 *under ORS 114.505 to 114.560 as a person entitled thereto as disclosed in the*
29 *affidavit*] **property of the estate is delivered or transferred under ORS**
30 **114.505 to 114.560** is personally answerable and accountable:

31 (a) To the extent of the value of the property received, to creditors of the

1 estate to the extent such creditors are entitled to payment under subsection
2 (1) of this section; and

3 (b) To any personal representative of the estate of the decedent
4 *[thereafter]* appointed **after the payment, delivery or transfer is made.**

5 *[(5) After the expiration of the period established in subsection (1)(b) of this*
6 *section, the affiant shall cause to be recorded in the deed records of any county*
7 *in which real property belonging to the decedent is situated an affiant or*
8 *claiming successor's deed conveying the property to persons entitled to the*
9 *property, executed in the manner required by ORS chapter 93.]*

10 *[(6) For a manufactured structure as defined in ORS 446.561 belonging to*
11 *a decedent and assessed as personal property, the affiant shall file with the*
12 *Department of Consumer and Business Services the necessary information for*
13 *recording the successor's interest in the manufactured structure on an owner-*
14 *ship document.]*

15 [(7)] **(5)** A financial institution as defined in ORS 706.008 that opens one
16 or more deposit accounts for an affiant pursuant to subsection [(1)(c)] **(1)(e)**
17 of this section is not liable to any other person for opening the account or
18 accounts or for permitting the affiant to withdraw funds from the account
19 or accounts by means of checks, drafts, negotiable orders of withdrawal or
20 otherwise. The financial institution is not required to ensure that the funds
21 of the decedent that are paid out by the affiant are properly applied.

22 **SECTION 14. Sections 15 and 16 of this 2019 Act are added to and**
23 **made a part of ORS 114.505 to 114.560.**

24 **SECTION 15. Sales and transfers to third parties.** (1) **Before the**
25 **completion of the two-year period established in ORS 114.550, and in**
26 **exchange for adequate consideration:**

27 (a) **The affiant may transfer or sell any real property if each suc-**
28 **cessor in interest to the property joins in the conveyance.**

29 (b) **The affiant may transfer or sell any personal property that is**
30 **specifically devised to an individual beneficiary with the consent of the**
31 **individual beneficiary.**

1 (c) The affiant may transfer or sell any personal property that is
2 not specifically devised to an individual beneficiary without the con-
3 sent of any other person.

4 (2) Notwithstanding subsection (1) of this section, the affiant need
5 not obtain participation or consent of successors in interest or bene-
6 ficiaries if a transfer is required for purposes of abatement under ORS
7 116.133.

8 (3) The proceeds of a sale under this section, net of the reasonable
9 expenses of sale and any debt secured as of the date of the decedent's
10 death by a duly perfected lien on the property, become a part of the
11 estate.

12 (4) If the affiant transfers or sells any vehicle that is part of the
13 estate under this section, the affiant shall comply with the require-
14 ments established by the Department of Transportation for such pur-
15 poses under ORS 803.094.

16 (5) If the affiant transfers or sells a manufactured structure as de-
17 fined in ORS 446.561 under this section, the affiant shall assign the
18 interest in the structure as provided in ORS 446.616.

19 (6) Any transfer or conveyance under this section to a purchaser in
20 good faith and for a valuable consideration transfers or conveys the
21 interest stated in the transfer or conveyance free of any interest of the
22 claiming successors, and the purchaser has no duty with respect to
23 application of the consideration paid for the transfer or conveyance.

24 **SECTION 16. Liability of affiant.** An affiant may be liable for and
25 is chargeable in the accounts of the affiant with:

26 (1) All of the estate of the decedent that comes into the possession
27 of the affiant at any time, including income from the estate.

28 (2) All property not a part of the estate if:

29 (a) The affiant has commingled the property with the assets of the
30 estate; or

31 (b) The property was received under a duty imposed on the affiant

1 **by law in the capacity of affiant.**

2 **(3) Any loss to the estate arising from:**

3 **(a) Neglect or unreasonable delay in collecting the assets of the**
4 **estate.**

5 **(b) Neglect in paying over money or delivering property of the es-**
6 **tate.**

7 **(c) Failure to pay taxes as required by law or to close the estate**
8 **within a reasonable time.**

9 **(d) Embezzlement or commingling of the assets of the estate with**
10 **other property.**

11 **(e) Unauthorized self-dealing.**

12 **(f) Any other negligent or willful act or nonfeasance in the admin-**
13 **istration of the estate by which loss to the estate arises.**

14 **SECTION 17.** ORS 114.550 is amended to read:

15 114.550. **(1)(a)** The affiant or any claiming successor of the estate who has
16 not been paid the full amount owed [*such*] **the** claiming successor may,
17 within two years after the filing of [*an*] **a small estate** affidavit [*under ORS*
18 *114.515*], file with the probate court a petition for summary review of ad-
19 ministration of the estate.

20 **(b) Notwithstanding paragraph (a) of this subsection, a person may**
21 **file a petition for summary review under this section for the purpose**
22 **of compelling the affiant to distribute property of the estate within 60**
23 **days after the completion of the two-year period described in para-**
24 **graph (a) of this subsection.**

25 **(c)** A creditor may not file a petition under this section if the creditor
26 received a copy of [*an*] **a small estate** affidavit [*filed under ORS 114.515*]
27 delivered or mailed to [*such*] **the** creditor within 30 days after the date the
28 affidavit was filed, the creditor was shown as a disputed creditor in the
29 affidavit[,] and the creditor has not filed a petition for summary determi-
30 nation under [*ORS 114.540*] **section 12 of this 2019 Act.**

31 **(2) Within 30 days after the filing of a petition under subsection (1)**

1 **of this section by a person other than the affiant, the affiant shall file**
2 **with the court an answer to the petition for summary review.**

3 (3) The court shall hear the matter without a jury, after notice to the
4 claiming successor and the affiant, and any interested person may be heard
5 in the proceeding.

6 (4) Upon the hearing:

7 (a) The court shall review administration of the estate in a summary
8 manner and may order the affiant to sell property of the estate and pay
9 creditors, to pay creditors of the estate from property of the estate or of the
10 affiant, or to distribute property of the estate to the claiming successors, or
11 may order any person who has received property of the estate to pay amounts
12 owed to claiming successors of the estate in whole or in part.

13 (b) **If the court allows a claim of a creditor in whole or in part, the**
14 **court shall order the affiant, to the extent of property of the estate**
15 **allocable to the payment of the claim pursuant to ORS 115.125, and any**
16 **claiming successor to whom property of the estate has been delivered**
17 **or transferred under ORS 114.505 to 114.560, to the extent of the value**
18 **of the property received, to pay to the creditor the amount allowed.**

19 (c) **The court may remove the affiant if the affiant failed to comply**
20 **with ORS 114.505 to 114.560, surcharge the affiant for any loss caused**
21 **by failure to comply with ORS 114.505 to 114.560 and authorize the**
22 **substitution of a new affiant.**

23 **SECTION 18.** ORS 114.552 is amended to read:

24 114.552. (1) A person filing a petition for summary determination under
25 [*ORS 114.540*] **section 12 of this 2019 Act** or a petition for summary review
26 of administration of estate under ORS 114.550, or any other appearance in
27 a proceeding under ORS 114.505 to 114.560, must pay the filing fee established
28 under ORS 21.135.

29 (2) If at any time after the filing of [*an*] **a small estate** affidavit [*under*
30 *ORS 114.515*] a petition for appointment of a personal representative is filed
31 for the same estate, the person filing the petition must pay the fees estab-

1 lished under ORS 21.170.

2 **SECTION 19.** ORS 114.555 is amended to read:

3 114.555. (1)(a) If a **petition to appoint** a personal representative is not
4 *[appointed]* **filed** within four months after the filing of *[the]* **a small estate**
5 **affidavit** *[authorized by ORS 114.515]*, **after the completion of the four-**
6 **month period described in ORS 114.540, after all unsecured creditors**
7 **of the estate have been paid to the extent of the property of the estate**
8 **and before the completion of the two-year period established in ORS**
9 **114.550, the affiant shall transfer** the interest of the decedent in *[all of the*
10 *property]* **remaining property or proceeds of property** described in the
11 affidavit *[is transferred]* to the person or persons shown by the affidavit to
12 be entitled *[thereto]* **to the property**, and any other claims against the
13 property are barred, except:

14 *[(1)]* (A) As **otherwise** provided in **this section and** ORS 114.540, 114.545
15 and 114.550 **and section 12 of this 2019 Act**; and

16 *[(2)]* (B) For the purposes of a surviving spouse's claim for an elective
17 share in the manner provided by ORS 114.600 to 114.725.

18 (b) **Notwithstanding paragraph (a) of this subsection, if a petition**
19 **for summary review has been filed under ORS 114.550, the affiant may**
20 **not transfer the interest of the decedent in the property described in**
21 **the affidavit until after all claims allowed in the summary review**
22 **proceeding are paid to the extent of the property of the estate.**

23 (2) **Property conveyed by an affiant under this section is subject to**
24 **liens and encumbrances against the decedent or the estate of the**
25 **decedent. Property conveyed by an affiant under this section is subject**
26 **to the rights of creditors of the decedent or the estate of the decedent**
27 **until the expiration of the two-year period established in ORS 114.550.**

28 (3) **When the affiant transfers an interest in real property under**
29 **this section, the affiant shall cause to be recorded in the deed records**
30 **of the county in which the real property is situated a bargain and sale**
31 **deed conveying the property to the person entitled to the property,**

1 **executed in the manner required by ORS chapter 93.**

2 **(4) When the affiant transfers an interest in a manufactured**
3 **structure as defined in ORS 446.561 belonging to a decedent and as-**
4 **essed as personal property under this section, the affiant shall file**
5 **with the Department of Consumer and Business Services the necessary**
6 **information for recording the successor's interest in the manufactured**
7 **structure on an ownership document.**

8 **SECTION 20.** ORS 114.560 is amended to read:

9 114.560. The exclusive remedy of a person injured by the failure of the
10 affiant or any claiming successor to comply with the requirements of ORS
11 114.505 to 114.560 [*shall be*] **is** a summary determination under [*ORS*
12 *114.540*] **section 12 of this 2019 Act**, a summary review of administration
13 under ORS 114.550[,] or appointment of a personal representative for the es-
14 tate within the time allowed by ORS 114.555.

15 **SECTION 21.** ORS 114.215 is amended to read:

16 114.215. (1) Upon the death of a decedent, title to the property of the
17 decedent vests:

18 (a) In the absence of testamentary disposition, in the heirs of the
19 decedent, subject to support of spouse and children, rights of creditors, ad-
20 ministration and sale by the personal representative **or affiant as defined**
21 **in ORS 114.505**; or

22 (b) In the persons to whom it is devised by the will of the decedent, sub-
23 ject to support of spouse and children, rights of creditors, right of the sur-
24 viving spouse to elect against the will, administration and sale by the
25 personal representative **or affiant as defined in ORS 114.505.**

26 (2) The power of a person to leave property by will, and the rights of
27 creditors, devisees and heirs to the property of the person, are subject to the
28 restrictions and limitations expressed or implicit in ORS chapters 111, 112,
29 113, 114, 115, 116 and 117 to facilitate the prompt settlement of estates.

30 (3) Any animal of a value of less than \$2,500 that belonged to the decedent
31 and that was kept by the decedent as a pet need not be listed on the inven-

1 tory of the estate. Any family member of the decedent, friend of the decedent
2 or animal shelter may take custody of the animal immediately upon the
3 death of the decedent. A family member, friend or animal shelter that takes
4 custody of an animal under this subsection is entitled to payment from the
5 estate for the cost of caring for the animal. A family member, friend or ani-
6 mal shelter that takes custody of an animal under this subsection shall de-
7 liver the animal to the personal representative for the decedent, or to any
8 heir or devisee entitled to possession of the animal, upon request of the
9 personal representative, heir or devisee.

10 **SECTION 22.** ORS 238.390 is amended to read:

11 238.390. (1) If a member of the system dies before retiring, the amount of
12 money, if any, credited at the time of death to the member account of the
13 member in the fund shall be paid to the beneficiaries designated by the
14 member. For this purpose a member may designate as a beneficiary any per-
15 son or the executor or administrator of the estate of the member or a trustee
16 named by the member to execute an express trust in regard to such amount.
17 The termination of a person's membership in the system pursuant to ORS
18 238.095 (1) or (2) invalidates any designation of beneficiary made by the
19 person before the termination of membership.

20 (2) If a member dies before retiring and has not designated a beneficiary
21 under subsection (1) of this section, the Public Employees Retirement Board
22 shall pay the amount of money, if any, credited at the time of death to the
23 member account of the deceased member to a personal representative ap-
24 pointed for the estate of the deceased member. If [an] **a small estate** affi-
25 davit has been filed under ORS 114.505 to 114.560, and the amount of money
26 credited to the account does not exceed the maximum amount of personal
27 property for which [an] **a small estate** affidavit may be filed under ORS
28 114.505 to 114.560, the board shall pay the amount to the person who filed
29 the affidavit.

30 (3) The beneficiary designated under subsection (1) of this section may
31 elect to receive the amount payable in actuarially determined monthly pay-

1 ments for the life of such beneficiary as long as such monthly payments are
2 at least \$200.

3 (4) Accrued benefits due a retired member at the time of death are payable
4 to the designated beneficiary or as provided in subsection (2) of this section.
5 For the purpose of determining accrued benefits due a retired member at the
6 time of death, accrued benefits are considered to have ceased as of the last
7 day of the month preceding the month in which the retired member dies; but
8 if Option 2 or Option 3 under ORS 238.305 has been elected as provided in
9 this chapter and the beneficiary survives the retired member, the benefits to
10 the beneficiary shall commence as of the first day of the month in which the
11 retired member dies, and payment of benefits under Option 2 or Option 3
12 shall cease with the payment for the month preceding the month in which
13 the beneficiary dies.

14 (5) If a member dies before retiring and has designated a beneficiary un-
15 der subsection (1) of this section, but the beneficiary dies before the member,
16 or dies before distribution is made under this section, the Public Employees
17 Retirement Board shall pay the amount of money, if any, that would other-
18 wise have been paid to the beneficiary to a personal representative appointed
19 for the estate of the deceased beneficiary. If [*an*] **a small estate** affidavit
20 has been filed under ORS 114.505 to 114.560, and the amount of money that
21 would have been paid to the beneficiary does not exceed the maximum
22 amount of personal property for which [*an*] **a small estate** affidavit may be
23 filed under ORS 114.505 to 114.560, the board shall pay the amount to the
24 person who filed the **small estate** affidavit on behalf of the estate of the
25 beneficiary.

26 (6) Interest upon the member account of the member shall accrue until
27 the date that the amount in the member account is distributed. Any balance
28 in the variable account of the deceased member is considered to be trans-
29 ferred to the regular account of the member as of the date of death. The
30 board shall establish procedures for computing and crediting interest on the
31 balance in the member account for the period between the date of death and

1 date of distribution.

2 (7) Payment by the board of amounts in the manner provided by this
3 section completely discharges the board and system on account of the death,
4 and shall hold the board and system harmless from any claim for wrongful
5 payment.

6 **SECTION 23.** ORS 113.238 is amended to read:

7 113.238. (1) A person who has knowledge that a decedent died wholly
8 intestate, that the decedent owned property subject to probate in Oregon and
9 that the decedent died without a known heir shall give notice of the death
10 within 48 hours after acquiring that knowledge to the Department of State
11 Lands.

12 (2) Except as provided by ORS 708A.430 and 723.466, a person may not
13 dispose of or diminish any assets of the estate of a decedent who has died
14 wholly intestate, who owned property subject to probate in Oregon and who
15 died without a known heir unless the person has prior written approval of
16 the Department of State Lands. The prohibition of this subsection:

17 (a) Applies to a guardian or conservator for the decedent; and

18 (b) Does not apply to a personal representative appointed under ORS
19 113.085 (4) or to an affiant authorized under ORS 114.520 to file [an] **a small**
20 **estate** affidavit under ORS 114.515.

21 (3) For purposes of this section, a known heir is an heir who has been
22 identified and found.

23 **SECTION 24.** ORS 130.150 is amended to read:

24 130.150. (1) A trust may be created:

25 (a) By transfer of property to another person as trustee during the
26 settlor's lifetime or by will or other disposition taking effect upon the
27 settlor's death;

28 (b) By declaration by the owner of property that the owner holds iden-
29 tifiable property as trustee;

30 (c) By exercise of a power of appointment in favor of a trustee;

31 (d) By an agent or attorney-in-fact under a power of attorney that ex-

1 expressly grants authority to create the trust; or

2 (e) Pursuant to a statute or judgment that requires property to be ad-
3 ministered in the manner of an express trust.

4 (2) The following apply to trusts for death benefits:

5 (a) A trustee may be named as beneficiary of any death benefits, and the
6 death benefits shall be paid to the trustee and be held and disposed of by the
7 trustee as provided in a trust created by the designator during the lifetime
8 of the designator. A trust is valid even though the trust does not have a trust
9 corpus other than the right of the trustee to receive death benefits as bene-
10 ficiary.

11 (b) A trustee named by will may be designated as beneficiary of death
12 benefits if the designation is made in accordance with the provisions of the
13 policy, contract, plan, trust or other governing instrument. Upon probate of
14 the will, or upon the filing of [*an*] a **small estate** affidavit under ORS
15 114.515, the death benefits are payable to the trustee to be held and disposed
16 of under the terms of the designator's will in the same manner as other
17 testamentary trusts are administered. Unless otherwise provided by the des-
18 ignator, an obligor may make payment of death benefits to the personal
19 representative of the designator, or to the persons who are otherwise entitled
20 to the death benefits, if a qualified trustee does not claim the death benefits
21 within one year after the death of the designator, or if satisfactory evidence
22 is furnished within the one-year period showing that there is no trustee who
23 can qualify to receive the death benefits. The obligor is discharged from any
24 liability for the death benefits upon making the payment.

25 (c) Death benefits received by the trustee are not subject to the debts of
26 the designator or to inheritance or estate taxes to any greater extent than
27 if the death benefits were payable to the beneficiaries named in the trust and
28 not to the estate of the designator.

29 (d) Death benefits held in trust may be commingled with any other assets
30 that may properly become a part of the trust.

31 (3) As used in this section:

1 (a) "Death benefits" means death benefits of any kind, including proceeds
2 of life insurance policies, payments under annuity or endowment contracts,
3 and funds payable in connection with pension, retirement, stock bonus or
4 profit-sharing plans, or any trust administered in connection with these ar-
5 rangements.

6 (b) "Designator" means the person entitled to designate the beneficiary
7 of death benefits upon the death of the person.

8 (c) "Obligor" means the insurer or other person obligated to pay death
9 benefits.

10 **SECTION 25.** ORS 238.458 is amended to read:

11 238.458. (1) A benefit that is owed to a member or beneficiary of a member
12 under the Public Employees Retirement System shall be forfeited at the end
13 of the system's plan year in which the benefit becomes due if the Public
14 Employees Retirement Board is unable to locate the member or beneficiary.
15 If the member, beneficiary or any other person thereafter establishes a right
16 to the forfeited benefit, the board shall reinstate the benefit. If the benefit
17 is a periodic payment, the board shall make a retroactive payment to the
18 member, beneficiary or other person in a lump sum for all amounts that
19 would have been paid before reinstatement of the benefit. No interest shall
20 be paid on the benefit for the period commencing when the benefit became
21 due and the date of the retroactive payment.

22 (2) Death benefits and other amounts payable by reason of the death of
23 a member do not escheat to the state when the member dies without heirs,
24 devisees or beneficiaries designated under ORS 238.390. If a beneficiary has
25 not been designated under ORS 238.390, and a personal representative or a
26 person filing [*an*] a **small estate** affidavit under ORS 114.505 to 114.560 fails
27 to make claim for the benefits within one year after the member dies, the
28 benefits shall be forfeited to the Public Employees Retirement Fund in the
29 manner provided by subsection (1) of this section and are subject to rein-
30 statement only upon subsequent appointment of a personal representative or
31 the filing of [*an*] a **small estate** affidavit in the manner provided by ORS

1 114.505 to 114.560. If benefits are paid to a personal representative or a per-
2 son filing [an] a **small estate** affidavit under ORS 114.505 to 114.560, the
3 personal representative or person filing the affidavit shall return to the
4 board the amount that would otherwise escheat to the state after payment
5 of administrative expenses and claims against the estate. Any amounts re-
6 turned to the board under this subsection shall be forfeited to the fund.

7 **SECTION 26.** ORS 708A.655 is amended to read:

8 708A.655. (1) This section applies to the safe deposit box of any person
9 who is the sole lessee or last surviving lessee of the box and who has died.

10 (2) Subject to ORS 114.537, upon being furnished with a certified copy of
11 the decedent's death record or other evidence of death satisfactory to the
12 Oregon operating institution, the Oregon operating institution within which
13 the box is located shall cause or permit the box to be opened, and the con-
14 tents of the box examined, at the request of an individual who furnishes an
15 affidavit stating:

16 (a) That the individual believes the box may contain the will of the
17 decedent, a trust instrument creating a trust of which the decedent was a
18 trustor or a trustee at the time of the decedent's death, documents pertaining
19 to the disposition of the remains of the decedent, documents pertaining to
20 property of the estate of the decedent or property of the estate of the
21 decedent; and

22 (b) That the individual is an interested person and wishes to open the box
23 to conduct a will search or trust instrument search, obtain documents re-
24 lating to the disposition of the decedent's remains, inventory the contents
25 of the box or remove property of the estate of the decedent pursuant to a
26 small estate affidavit filed under ORS 114.515.

27 (3) For the purpose of this section, "interested person" means any of the
28 following:

29 (a) A person named as personal representative of the decedent in a pur-
30 ported will of the decedent;

31 (b) The surviving spouse or any heir of the decedent;

1 (c) A person who was serving as the court-appointed guardian or
2 conservator of the decedent or as trustee for the decedent immediately prior
3 to the decedent's death;

4 (d) A person named as successor trustee in a purported trust instrument
5 creating a trust of which the decedent was a trustor or a trustee at the time
6 of the decedent's death;

7 (e) A person designated by the decedent in a writing that is acceptable
8 to the Oregon operating institution and is filed with it prior to the
9 decedent's death;

10 (f) A person who immediately prior to the death of the decedent had the
11 right of access to the box as an agent of the decedent under a durable power
12 of attorney;

13 (g) If there are no heirs of the decedent, an estate administrator of the
14 Department of State Lands appointed under ORS 113.235; or

15 (h) A person who is authorized to file [an] **a small estate** affidavit under
16 ORS 114.515.

17 (4) If the box is opened for the purpose of conducting a will search, the
18 Oregon operating institution shall remove any document that appears to be
19 a will, make a true and correct copy of it and deliver the original will to a
20 person designated in the will to serve as the decedent's personal represen-
21 tative, or if no such person is designated or the Oregon operating institution
22 cannot, despite reasonable efforts, determine the whereabouts of such person,
23 the Oregon operating institution shall retain the will or deliver it to a court
24 having jurisdiction of the estate of the decedent. A copy of the will shall be
25 retained in the box. At the request of the interested person, a copy of the
26 will, together with copies of any documents pertaining to the disposition of
27 the remains of the decedent, may be given to the interested person.

28 (5) If the box is opened for the purpose of conducting a trust instrument
29 search, the Oregon operating institution shall remove any document that
30 appears to be a trust instrument creating a trust of which the decedent was
31 a trustor or trustee at the time of the decedent's death, make a true and

1 correct copy of it and deliver the original trust instrument to a person des-
2 ignated in the trust instrument to serve as the successor trustee on the death
3 of the decedent. If no such person is designated or the Oregon operating in-
4 stitution cannot, despite reasonable efforts, determine the whereabouts of
5 such person, the Oregon operating institution shall retain the trust instru-
6 ment. A copy of the trust instrument shall be retained in the box. At the
7 request of any interested person, a copy of the trust instrument may be given
8 to the interested person.

9 (6) If the box is opened for the purpose of obtaining documents pertaining
10 to the disposition of the decedent's remains, the Oregon operating institution
11 shall comply with subsection (4) or (5) of this section with respect to any
12 will or trust instrument of the decedent found in the box, and may in its
13 discretion either:

14 (a) Make and retain in the box a copy of any documents pertaining to the
15 disposition of the remains of the decedent and tender the original documents
16 to the interested person; or

17 (b) Provide a copy of any documents pertaining to the disposition of the
18 remains of the decedent to the interested person and retain the original
19 documents in the box.

20 (7) If the box is opened for the purpose of making an inventory of its
21 contents, the Oregon operating institution shall comply with subsection (4)
22 or (5) of this section with respect to any will or trust instrument of the
23 decedent that is found in the box, and shall cause the inventory to be made.
24 The inventory must be attested to by a representative of the Oregon operat-
25 ing institution and may be attested to by the interested person, if the inter-
26 ested person is present when the inventory is made. The Oregon operating
27 institution shall retain the original inventory in the box, and shall furnish
28 a copy of the inventory to the interested person upon request.

29 (8) If the interested person is an affiant of a small estate affidavit filed
30 under ORS 114.515 and delivers a certified copy of the affidavit in the man-
31 ner provided by ORS 114.535, the Oregon operating institution shall provide

1 to the affiant access to the decedent's property. The Oregon operating insti-
2 tution shall comply with subsection (4) or (5) of this section if a will or trust
3 instrument of the decedent is found in the box. Subject to ORS 114.537, the
4 Oregon operating institution shall allow the affiant to take possession of the
5 personal property in the box.

6 (9) The Oregon operating institution may presume the truth of any
7 statement contained in the affidavit required to be furnished under this sec-
8 tion or ORS 114.535, and when acting in reliance upon such an affidavit, the
9 Oregon operating institution is discharged as if it had dealt with the per-
10 sonal representative of the decedent. The Oregon operating institution is not
11 responsible for the adequacy of the description of any property included in
12 an inventory of the contents of a box, or for the conversion of the property
13 in connection with actions performed under this section, except for conver-
14 sion by intentional acts of the Oregon operating institution or its employees,
15 directors, officers or agents. If the Oregon operating institution is not sat-
16 isfied that the requirements of this section have been satisfied, the Oregon
17 operating institution may decline to open the box.

18 (10) If the interested person or affiant does not furnish the key needed to
19 open the box, and the Oregon operating institution must incur expense in
20 gaining entry to the box, the Oregon operating institution may require that
21 the interested person or affiant pay the expense of opening the box.

22 (11) Any examination of the contents of a box under this section shall be
23 conducted in the presence of at least one employee of the Oregon operating
24 institution.

25 **SECTION 27.** ORS 723.844 is amended to read:

26 723.844. (1) This section applies to the safe deposit box of any person who
27 is the sole lessee or last surviving lessee of the box and who has died.

28 (2) Subject to ORS 114.537, upon being furnished with a certified copy of
29 the decedent's death record or other evidence of death satisfactory to the
30 credit union, the credit union within which the box is located shall cause
31 or permit the box to be opened, and the contents of the box examined, at the

1 request of an individual who furnishes an affidavit stating:

2 (a) That the individual believes the box may contain the will of the
3 decedent, a trust instrument creating a trust of which the decedent was a
4 trustor or a trustee at the time of the decedent's death, documents pertaining
5 to the disposition of the remains of the decedent, documents pertaining to
6 property of the estate of the decedent or property of the estate of the
7 decedent; and

8 (b) That the individual is an interested person and wishes to open the box
9 to conduct a will search or trust instrument search, obtain documents re-
10 lating to the disposition of the decedent's remains or inventory the contents
11 of the box or remove property of the estate of the decedent pursuant to a
12 small estate affidavit filed under ORS 114.515.

13 (3) For the purpose of this section, "interested person" means any of the
14 following:

15 (a) A person named as personal representative of the decedent in a pur-
16 ported will of the decedent;

17 (b) The surviving spouse or any heir of the decedent;

18 (c) A person who was serving as the court-appointed guardian or
19 conservator of the decedent or as trustee for the decedent immediately prior
20 to the decedent's death;

21 (d) A person named as successor trustee in a purported trust instrument
22 creating a trust of which the decedent was a trustor or a trustee at the time
23 of the decedent's death;

24 (e) A person designated by the decedent in a writing that is acceptable
25 to the credit union and is filed with it prior to the decedent's death;

26 (f) A person who immediately prior to the death of the decedent had the
27 right of access to the box as an agent of the decedent under a durable power
28 of attorney;

29 (g) If there are no heirs of the decedent, an estate administrator of the
30 Department of State Lands appointed under ORS 113.235; or

31 (h) A person who is authorized to file [an] a **small estate** affidavit under

1 ORS 114.515.

2 (4) If the box is opened for the purpose of conducting a will search, the
3 credit union shall remove any document that appears to be a will, make a
4 true and correct copy of it and deliver the original will to a person desig-
5 nated in the will to serve as the decedent's personal representative, or if no
6 such person is designated or the credit union cannot, despite reasonable ef-
7 forts, determine the whereabouts of such person, the credit union shall retain
8 the will or deliver it to a court having jurisdiction of the estate of the
9 decedent. A copy of the will shall be retained in the box. At the request of
10 the interested person, a copy of the will, together with copies of any docu-
11 ments pertaining to the disposition of the remains of the decedent, may be
12 given to the interested person.

13 (5) If the box is opened for the purpose of conducting a trust instrument
14 search, the credit union shall remove any document that appears to be a
15 trust instrument creating a trust of which the decedent was a trustor or
16 trustee at the time of the decedent's death, make a true and correct copy of
17 it and deliver the original trust instrument to a person designated in the
18 trust instrument to serve as the successor trustee on the death of the
19 decedent. If no such person is designated or the credit union cannot, despite
20 reasonable efforts, determine the whereabouts of such person, the credit un-
21 ion shall retain the trust instrument. A copy of the trust instrument shall
22 be retained in the box. At the request of any interested person, a copy of the
23 trust instrument may be given to the interested person.

24 (6) If the box is opened for the purpose of obtaining documents pertaining
25 to the disposition of the decedent's remains, the credit union shall comply
26 with subsection (4) or (5) of this section with respect to any will or trust
27 instrument of the decedent found in the box, and may in its discretion either:

28 (a) Make and retain in the box a copy of any documents pertaining to the
29 disposition of the remains of the decedent and tender the original documents
30 to the interested person; or

31 (b) Provide a copy of any documents pertaining to the disposition of the

1 remains of the decedent to the interested person and retain the original
2 documents in the box.

3 (7) If the box is opened for the purpose of making an inventory of its
4 contents, the credit union shall comply with subsection (4) or (5) of this
5 section with respect to any will or trust instrument of the decedent that is
6 found in the box, and shall cause the inventory to be made. The inventory
7 must be attested to by a representative of the credit union and may be at-
8 tested to by the interested person, if the interested person is present when
9 the inventory is made. The credit union shall retain the original inventory
10 in the box, and shall furnish a copy of the inventory to the interested person
11 upon request.

12 (8) If the interested person is an affiant of a small estate affidavit filed
13 under ORS 114.515 and delivers a certified copy of the affidavit in the man-
14 ner provided by ORS 114.535, the credit union shall provide to the affiant
15 access to the decedent's property. The credit union shall comply with sub-
16 section (4) or (5) of this section if a will or trust instrument of the decedent
17 is found in the box. Subject to ORS 114.537, the credit union shall allow the
18 affiant to take possession of the personal property in the box.

19 (9) The credit union may presume the truth of any statement contained
20 in the affidavit required to be furnished under this section and ORS 114.535,
21 and when acting in reliance upon such an affidavit, the credit union is dis-
22 charged as if it had dealt with the personal representative of the decedent.
23 The credit union is not responsible for the adequacy of the description of any
24 property included in an inventory of the contents of a box, or for the con-
25 version of the property in connection with actions performed under this
26 section, except for conversion by intentional acts of the credit union or its
27 employees, directors, officers or agents. If the credit union is not satisfied
28 that the requirements of this section have been satisfied, the credit union
29 may decline to open the box.

30 (10) If the interested person or affiant does not furnish the key needed to
31 open the box, and the credit union must incur expense in gaining entry to

1 the box, the credit union may require that the interested person or affiant
2 pay the expense of opening the box.

3 (11) Any examination of the contents of a box under this section shall be
4 conducted in the presence of at least one employee of the credit union.

5 **SECTION 28.** ORS 446.616 is amended to read:

6 446.616. (1) Except as otherwise provided in subsection (2) or (3) of this
7 section, upon the transfer of any interest in a manufactured structure shown
8 on an ownership document, each person whose interest is released, termi-
9 nated, assigned or transferred shall acknowledge the release, termination,
10 assignment or transfer of that interest in a manner specified by the Depart-
11 ment of Consumer and Business Services by rule. The department shall de-
12 sign the rules adopted for purposes of this subsection to protect the interests
13 of all parties to the transfer of interest.

14 (2) Notwithstanding subsection (1) of this section:

15 (a) In the case of a transfer of an interest by operation of law, the per-
16 sonal representative, receiver, trustee, sheriff, landlord or other represen-
17 tative or successor in interest of the person whose interest is transferred
18 shall file the acknowledgment described in subsection (1) of this section. The
19 representative or successor shall also provide the transferee with information
20 satisfactory to the department concerning all facts entitling the represen-
21 tative or successor to transfer the interest. If there is no person to transfer
22 the interest, the person to whom interest is awarded or otherwise transferred
23 is responsible for providing the information concerning the person's
24 entitlement to the interest.

25 (b) In the case of a transfer at death of the interest of the owner or se-
26 curity interest holder of the manufactured structure, if the estate is not be-
27 ing probated and ownership is not being transferred under the provisions of
28 **[ORS 114.545] section 15 of this 2019 Act**, an interest in the manufactured
29 structure may be assigned through the use of an affidavit. The affidavit must
30 be on a form prescribed by the department and signed by all of the known
31 heirs of the person whose interest is being transferred, and shall state the

1 name of the person to whom the ownership interest has been passed. If any
2 heir has not arrived at the age of majority or is otherwise incapacitated, the
3 parent or guardian of the heir shall sign the affidavit.

4 (c) In the case of a transfer at death of the interest of the owner or se-
5 curity interest holder where transfer occurs under [ORS 114.545] **section 15**
6 **of this 2019 Act**, the affiant, as defined in ORS 114.505, is the person re-
7 quired to assign interest.

8 (d) A security interest holder, without the consent of the owner, may as-
9 sign interest of the holder in a manufactured structure to a person other
10 than the owner without affecting the interest of the owner or the validity
11 or priority of the interest. A person who is not given notice of the assign-
12 ment is protected in dealing with the security interest holder as the holder
13 of the interest until the assignee files notice of the interest with the de-
14 partment as provided in ORS 446.571. This paragraph does not exempt an
15 assignment of interest from the acknowledgment requirement under sub-
16 section (1) of this section.

17 (e) If an interest in a manufactured structure is transferred pursuant to
18 an application under ORS 446.591 (5), the recital by the escrow company that
19 no written objections were received constitutes both a release, termination,
20 assignment or transfer of interest and an acknowledgment by the person
21 whose interest is released, terminated, assigned or transferred.

22 (3) Subsection (1) of this section does not apply to a transfer of a security
23 interest where the security interest holder is a financial institution, a fi-
24 nancial holding company or a bank holding company, as those terms are
25 defined in ORS 706.008, a licensee under ORS chapter 725, or any subsidiary
26 or affiliate of any of the foregoing and the transfer of the interest of the
27 security interest holder:

28 (a) Results from the merger, conversion, reorganization, consolidation or
29 acquisition of the security interest holder; or

30 (b) Is to an entity that is a member of the same affiliated group as the
31 security holder.

1 **SECTION 29.** ORS 803.094 is amended to read:

2 803.094. (1) Except as otherwise provided in this section, upon the transfer
3 of any interest shown on an Oregon title any person whose interest is re-
4 leased, terminated, assigned or transferred, shall release or assign that in-
5 terest in a manner specified by the Department of Transportation by rule.
6 Rules adopted for purposes of this subsection shall be designed, as much as
7 possible, to protect the interests of all parties to the transfer. If required
8 under ORS 803.102, the person shall also complete an odometer disclosure
9 statement.

10 (2) Notwithstanding subsection (1) of this section:

11 (a) In the case of a transfer by operation of law of any interest shown
12 on an Oregon title, the personal representative, receiver, trustee, sheriff or
13 other representative or successor in interest of the person whose interest is
14 transferred shall release or assign interest and if required by the department
15 by rule, as provided under ORS 803.102, complete an odometer disclosure
16 statement and shall provide the certificate, if any, and disclosure statement
17 if required to the transferee. The representative or successor shall also pro-
18 vide the transferee with information satisfactory to the department con-
19 cerning all facts entitling such representative or successor to transfer title.
20 If there is no person to assign interest, the person to whom interest is
21 awarded or otherwise transferred shall be responsible for the requirements
22 of this paragraph.

23 (b) In the case of a transfer at death of the interest of the owner, lessor
24 or security interest holder if the estate is not being probated and title is not
25 being transferred under the provisions of [*ORS 114.545*] **section 15 of this**
26 **2019 Act**, interest may be assigned through the use of an affidavit. The af-
27 fidavit shall be on a form prescribed by the department and signed by all of
28 the known heirs of the person whose interest is being transferred stating the
29 name of the person to whom the ownership interest has been passed. If any
30 heir has not arrived at the age of majority or is otherwise incapacitated, the
31 parent or guardian of the heir shall sign the affidavit. In the case of a

1 transfer under this paragraph, one of the heirs or any other person desig-
2 nated by the department by rule shall complete any odometer disclosure
3 statement required under ORS 803.102.

4 (c) In the case of a transfer at death of the interest of the owner, lessor
5 or security interest holder where transfer occurs under the provisions of
6 [ORS 114.545] **section 15 of this 2019 Act**, the [“]affiant[”] as defined in ORS
7 114.505 is the person required to assign interest. The department may desig-
8 nate by rule the affiant or any other person to complete any odometer dis-
9 closure statement required under ORS 803.102.

10 (d) Upon the termination of a lease, in lieu of the lessee releasing inter-
11 est, the lessor may provide information satisfactory to the department that
12 the lease has been terminated. The lessor shall provide an odometer disclo-
13 sure statement if required under ORS 803.102. If the lessor does not take
14 possession of the vehicle upon termination of the lease, the information in
15 the odometer disclosure given by the lessor may be taken from an odometer
16 disclosure given by the lessee to the lessor under ORS 803.102 unless the
17 lessor has reason to believe that the disclosure by the lessee does not reflect
18 the actual mileage of the vehicle.

19 (e) A security interest holder or lessor, without the consent of the owner,
20 may assign interest of the holder or lessor in a vehicle to a person other
21 than the owner without affecting the interest of the owner or the validity
22 or priority of the interest. A person not given notice of such assignment is
23 protected in dealing with the security interest holder or lessor as the holder
24 of the interest until the assignee files in accordance with ORS chapter 79.
25 This paragraph does not exempt such assignments from title transfer re-
26 quirements.

27 (3) Nothing in this section requires the release or assignment of title upon
28 the creation or termination of a leasehold interest for a vehicle that is pro-
29 portionally registered under ORS 826.009 or 826.011 if the department is fur-
30 nished with satisfactory proof of the lease for such vehicle.

31 (4) The department by rule may allow odometer disclosure statements to

1 be on a form other than the certificate of title.

2 (5) Persons subject to the provisions of this section shall provide to the
3 transferee a title certificate, if one has been issued and is in their possession,
4 the release or assignment of interest, and any required odometer disclosure
5 statement. If an odometer disclosure statement is required, the transferee
6 shall provide a signed disclosure to the transferor in a form determined by
7 the department by rule.

8 **SECTION 30.** ORS 116.223 is amended to read:

9 116.223. The personal representative shall cause to be recorded in the deed
10 records of any county in which real property belonging to the estate is sit-
11 uated, a deed from the personal representative executed in the manner re-
12 quired by ORS chapter 93. The execution of the **bargain and sale** deed does
13 not place the personal representative in the chain of title to the property
14 conveyed unless the personal representative is also an heir, devisee or
15 claiming successor to the property conveyed.

16 **SECTION 31.** ORS 58.387 is amended to read:

17 58.387. (1) A professional corporation organized for the purpose of prac-
18 ticing medicine and its shareholders may provide for the disposition of a
19 deceased shareholder's shares in the articles of incorporation, in the bylaws,
20 by agreement between the corporation and its shareholders or by agreement
21 among the shareholders. If there is no such provision, the shares shall first
22 be offered for sale to the remaining shareholders of the corporation by the
23 personal representative of the deceased shareholder's estate **or the affiant**
24 **as defined in ORS 114.505.** If the shares are not disposed of within six
25 months after the date of the death of the deceased shareholder, a special
26 meeting of the shareholders shall be called, at which meeting it shall be de-
27 cided by vote of the remaining shareholders whether the corporation shall
28 redeem the shares or whether the corporation shall be voluntarily dissolved.
29 The meeting shall be held within seven months after the date of the death
30 of the deceased shareholder. The action determined to be taken by the
31 shareholders shall be completed within nine months after the date of death

1 of the deceased shareholder. At the special meeting, the shares of the de-
2 ceased shareholder may not be voted or counted in the determination of
3 whether the shares shall be redeemed or whether the corporation shall be
4 voluntarily dissolved.

5 (2) If a deceased shareholder of a professional corporation organized for
6 the purpose of practicing medicine was the only shareholder of the corpo-
7 ration at the time of death, the corporation shall cease to practice medicine
8 as of the date of death of the deceased shareholder unless the corporation
9 has retained the services of another physician licensed in this state to
10 practice medicine. Within six months after the date of death of the deceased
11 shareholder:

12 (a) The shares of the deceased shareholder shall be sold to a physician
13 or physicians who are licensed in this state to practice medicine;

14 (b) The name of the corporation shall be changed and restated articles
15 adopted, which shall be filed with the Secretary of State in accordance with
16 ORS chapter 60; or

17 (c) The corporation shall be dissolved.

18 **SECTION 32. (1) Sections 3, 12, 15 and 16 of this 2019 Act and the**
19 **amendments to ORS 113.238, 114.215, 114.505, 114.515, 114.517, 114.520,**
20 **114.525, 114.535, 114.537, 114.540, 114.545, 114.550, 114.552, 114.555, 114.560,**
21 **130.150, 238.390, 238.458, 464.616, 708A.655, 723.844 and 803.094 by sections**
22 **1, 4 to 10, 13 and 17 to 29 of this 2019 Act apply to decedents who die**
23 **on or after the effective date of this 2019 Act.**

24 (2) The amendments to ORS 116.223 by section 30 of this 2019 Act
25 apply to deeds executed on or after the effective date of this 2019 Act.

26 **SECTION 33. The section captions used in this 2019 Act are provided**
27 **only for the convenience of the reader and do not become part of the**
28 **statutory law of this state or express any legislative intent in the**
29 **enactment of this 2019 Act.**

30