

HB 3006 STAFF MEASURE SUMMARY

Carrier: Rep. Bynum

House Committee On Judiciary**Action Date:** 04/08/19**Action:** Do Pass.**Vote:** 11-0-0-0**Yeas:** 11 - Barker, Bynum, Gorsek, Greenlick, Lewis, McLane, Piluso, Power, Sprenger, Stark, Williamson**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Channa Newell, Counsel**Meeting Dates:** 3/13, 4/8**WHAT THE MEASURE DOES:**

Modifies probate process for estate with no known assets. Removes requirement that personal representative obtain bond, provide notice to interested persons via newspaper, investigate the financial records and affairs of the decedent, and provide required notices. Allows filing of inventory stating the estate has no known assets. Removes duty to allow or disallow claims presented in cases in which estate has no known assets. Allows personal representative to close estate after four months after delivery of the required information. Provides avenue for following exempted procedures if assets are discovered or become known. Provides process on closing no-asset estate. Provides alternative process for providing account of administration of estate with consent of all heirs or devisees.

ISSUES DISCUSSED:

- Efforts of Probate Modernization Work Group
- Current requirements for closing estate that has no known assets
- Need for simple process
- Process for converting to small estate process or full probate should assets be discovered

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The Oregon Law Commission's Probate Modernization Work Group has been reviewing the probate statutes since 2013. Their efforts have resulted in enacted legislation in the 2015, 2016, and 2017 sessions. During the 2017-2018 interim, the Work Group undertook changes to the probate statutes in three areas: estates in which no assets are known to exist; small estates; and estates in which the personal representative is pursuing a wrongful death claim.

House Bill 3006 removes several required processes in the probate of an estate with no known assets. The measure provides processes for completing the required steps should assets be uncovered. Additionally, the measure allows a personal representative to file a statement in lieu of a full accounting upon the consent of all heirs and devisees.