

House Bill 2509

Sponsored by Representative OWENS, Senator FINDLEY; Representatives LEVY B, WRIGHT (at the request of William Nichols) (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides that residuary clause in will or trust that conveys all property of decedent is sufficient to transfer recorded brand.

A BILL FOR AN ACT

1
2 Relating to the transfer of recorded brands; amending ORS 604.041.

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

4 **SECTION 1.** ORS 604.041 is amended to read:

5 604.041. (1) Except as provided in subsection (2) of this section, in order to transfer a recorded
6 brand by sale, assignment or otherwise, the transferor shall submit a written, signed and witnessed
7 document of transfer to the State Department of Agriculture, accompanied by an application of the
8 transferee as prescribed in ORS 604.027 (1), accompanied by a brand transfer fee, not to exceed \$50.
9 Upon determining that the brand transfer documents are in order, the department shall issue its
10 certificate of recordation to the transferee.

11 (2) In the event of the death of a holder of a recorded brand, the person to whom it is trans-
12 ferred, either by will or the laws of descent and distribution, may have the brand recorded to the
13 transferee or to another person upon submitting to the department within six months of the death
14 of the holder of the recorded brand, either a copy of an order of a court having jurisdiction of the
15 decedent's estate directing such transfer accompanied by an application of the transferee as pre-
16 scribed in ORS 604.027 (1) and the brand transfer fee prescribed in subsection (1) of this section, or
17 if no court has jurisdiction of the decedent's estate, an affidavit of the person entitled by the laws
18 of descent and distribution to have the brand recorded to the person accompanied by an application
19 of the transferee as prescribed in ORS 604.027 (1) and the brand transfer fee prescribed in subsection
20 (1) of this section. The affidavit shall include:

21 (a) The name and address of the decedent and the date and place of death;

22 (b) The name and address of the affiant, and if the intended transferee is another person, the
23 name and address of such person with a statement of intent to transfer to the person;

24 (c) A description of the recorded brand as prescribed in ORS 604.027 (1); and

25 (d) A statement that the affiant is entitled to have the described brand transferred to the affiant
26 or to the other named person, and that the affiant agrees to the termination of the brand recordation
27 should the affidavit be found false in any material respect.

28 (3) If the transfer documents prescribed in subsection (2) of this section are not submitted within
29 six months after the death of the holder of the recorded brand, the brand recordation shall terminate
30 and thereafter be available for recording by any person.

31 **(4) For the purposes of this section, a residuary clause in a will or trust that conveys**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 **all property of the decedent is sufficient to transfer a recorded brand.**

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