

**Testimony before the Senate Judiciary Committee  
in support of SB 308  
On behalf of the  
Oregon State Bar Estate Planning Section**

January 24, 2023

Chair Prozanski and Members of the Committee:

My name is June Wiyrick Flores. I am an attorney in Portland. I am here today as a representative of the Oregon State Bar's Estate Planning and Administration Section. The Estate Planning Section is made up of over 1,200 attorneys from all parts of Oregon, who represent clients both in preparing plans for their estates helping families resolve those plans when someone passes.

The Oregon State Bar (OSB) is a public corporation and an instrumentality of the court with over 15,000 active members. The Oregon State Bar serves the public interest by: regulating the legal profession and improving the quality of legal services; supporting the judiciary and improving the administration of justice; and advancing a fair, inclusive and accessible justice system.

**Senate Bill 308**

Senate Bill 308 as introduced addresses two separate issues related to decedents' estates. We have requested two amendments to the bill. One of these amendments will remove Section 1 from the bill, which will eliminate one of these two issues. The other will add an additional requirement to the Simple Estate Affidavit described below.

**Sections 2 to 26 – Simple Estate Affidavit**

SB 308 changes the name of the small estate affidavit to a simple estate affidavit and permits the process to be used in an additional situation.

Currently a small estate affidavit may be filed if the estate has not more than \$75,000 in personal property and not more than \$200,000 in real property. This bill will allow the simple estate affidavit to also be used if any excess value of the estate is attributable entirely to property that was devised to the trustee of a trust of which the decedent was the settlor, and which was created before the decedents death.

We have proposed one amendment to this part of the bill after consultation with stakeholders. This amendment would add a requirement to include a copy of the trust agreement or a certification of the trust with the affidavit as part of the submission to the court.

This bill will eliminate the need for many individuals to go through a costly probate process, when the majority of the estate is already contained within a trust and there are few, if any, decisions for a probate court to make.

Thank you for your consideration of SB 308. I am happy to answer any questions.