

**Testimony before the House Judiciary Committee
regarding Senate Bill 15
On behalf of the
Oregon State Bar Estate Planning and Administration Section**

May 7, 2025

Chair Kropf, Vice Chairs Chotzen and Wallan, and Members of the Committee:

For the record, my name is June Wiyrick Flores. I am submitting this testimony on behalf of the Oregon State Bar's Estate Planning and Administration Section, to offer our support for the amendments to SB 15, which we believe help alleviate some of concerns that have been raised by our members.

Simple Estate Affidavit Process

Senate Bill 15 would substantially expand the number of estates in Oregon that could be settled through the use of a simple estate affidavit. The simple estate affidavit is a valuable tool that allows Oregonians to resolve what are truly simple estates with minimal expense and often without the need to hire an attorney. The use of the simple estate affidavit allows these estates to be settled without going through the normal judicially supervised probate process.

When the simple estate affidavit is used, the affiant is responsible to notify the decedent's heirs, devisees (if any) and creditors, and is authorized to take possession of personal property that belonged to the decedent, including bank accounts and intangible property. The affiant is then responsible to distribute the proceeds of the estate in accordance with Oregon law. This process has been extremely useful to thousands of Oregonians, and lawyers who practice in this area regularly counsel their clients to consider this process in their own estate planning.

The tradeoff with this much more streamlined process, is the increased chance of errors, or in some cases of fraud.

Unlike a full probate, this process is not overseen by the court, meaning that a judge does not review the actions or decisions made by the affiant, or whether the facts asserted in the simple estate affidavit are correct. While the affiant is required to attest to their intention to provide notice to heirs, devisees and creditors, the court does not have the ability to confirm that this notice is in fact provided. Individuals who believe they have been harmed by the distribution of an estate through this process have to bring a separate action in court to challenge the affiant's decisions.

SB 15 includes a number of welcome provisions, including treating manufactured homes as real property rather than as personal property. In addition, the bill provides that some of the value limitations that restrict the use of the simple estate affidavit should be adjusted annually based on the consumer price index.

Proposed Amendments

The -A6 and -A7 amendments would make three important changes to the bill that help alleviate some of the concerns around the expansion of the program.

- First, the -A6 amendments would increase the limits on the size of the estate, when the affiant is the sole distributee of the decedent's estate, by less than the increases in the original bill.
- Second, both sets of amendments clarify that this provision applies when the sole distributee is the decedent's sole **heir** as opposed to sole **devisee**.
- Third, both sets of amendments add an additional requirement to all simple estate affidavits that require the affiant to attest that their relationship to the decedent falls into one of four described categories to assist with correctly identifying the decedent's heirs.

We believe that all of these are helpful changes that will make this process available to more Oregonians, while ensuring that the process is not misused.

We appreciate all of the work that has gone into this bill, and look forward to continuing to work with the legislature on improvements to the simple estate affidavit process.