

Submitter: Terri Myzak
On Behalf Of:
Committee: Senate Committee On Judiciary
Measure, Appointment or Topic: SB15

Chair Prozanski, Vice Chair Thatcher, and Members of the Judiciary Committee,

My name is Terri Myzak. I am providing written testimony on my own behalf.

As introduced, Senate Bill 15 would provide a much-needed bridge to justice by raising the statutory archaic limitations for a simple estate to reflect today's current higher values. The dash-three amendments more reasonably reflect today's economic climate, but their restriction to a sole heir unduly burdens simple estates with more than one heir.

The current real and personal property limitations for simple estates could be said to modify the old saying that "Nothing is certain but death and taxes" to "Nothing is certain in Oregon but death, taxes, and probate attorney fees."

Raising the limits to reflect reality is about providing an opportunity—and, perhaps, the only opportunity for too many—to overcome inter-generational poverty.

For simple estates, the family home is often the only asset. We frequently hear that particularly first-time homeowners are unable to fund a down payment, that many of those trying to lift themselves out of poverty with a college education graduate with intimidating debt, that an employer has to let a good employee go because they can't pay for a vehicle to reliably get to work. An inheritance not consumed by attorney fees helps lift heirs out of poverty or near poverty.

By requiring an attorney, it seems that the legislature believes the citizens of Oregon are generally corrupt and heirs must be protected from each other. There may be anecdotal exceptions of fraud and corruption by an affiant, but there are anecdotal exceptions of fraud and corruption by attorneys, too. There can be fraud and corruption in divorces, too, but Oregon accommodates pro se representation in family law. A better remedy than effectively disallowing simple estates would be to increase the civil and criminal sanctions and pursue enforcement for wrongdoing.

There are some avenues to bypass the probate attorneys and probate court, such as payable on death accounts, transfer on death deeds, and trusts. Those alternatives, however, are not necessarily the answer because circumstances change requiring changes to those documents or entities, and they are not necessarily well known to those who fall into the simple estate categories.

Believe it or not, there is an attorney shortage in Oregon or what the Oregon State Bar (OSB) refers to as a legal desert. For example, in rural Gilliam, Sherman, and Wheeler counties, OSB states that the district attorney is the sole practicing lawyer.

SB 15 is about access to justice. It is a simple public policy choice to decide whether to support guaranteed fees for probate attorneys or Oregon citizen heirs. I encourage your “yes” vote. Thank you.