

OREGON STATE BAR
Legislative Proposal

RE: Amending ORS 116.083 (estate accountings) and ORS 125.475 (conservatorship accountings) to extend the time period before accountings are due.

FROM: OSB Elder Law Section

Legislative Contact: Allyn E. Brown
Phone: (503) 538-3138
E-mail: allyn@newberglaw.com

This bill would amend ORS 116.083.

1. PROBLEM PRESENTED

The information needed to be included in a personal representative's and a conservator's accounting oftentimes is not available within 30 days of the anniversary of the personal representative's appointment, thereby imposing an obligation on the personal representative to petition the probate court for an order allowing an additional 30 days within which to file the accounting. Always having to petition for additional time is a waste of the personal representative's and court's time and is an unnecessary expense. The requirement of filing accountings within 30 days has been in place for decades but only recently has the law required that accountings now include actual bank statements to confirm ending account balances. It is these bank statements that cause the problem and they are rarely available within the existing 30 day period.

2. SOLUTION

Extend the time period for filing annual accounts to 60 days instead of 30.

3. PUBLIC POLICY IMPLICATION

The amendment would reduce unnecessary paperwork for the courts and make estates less expensive to administer.