

OREGON STATE BAR
Legislative Proposal

RE: Small Estate Affidavits/Amending ORS 114.515

FROM: OSB Elder Law Section

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This bill would amend ORS 114.515.

1. PROBLEM PRESENTED

Some Trial Court Clerks have taken the position that they are not authorized to accept amended or supplemental affidavits of claiming successors after four months of the original filing, thereby leaving the public with the only option of filing an expensive formal probate to transfer after found estate property. In small estates, the cost of the probate may exceed the value of the after found property so it is simply abandoned.

2. SOLUTION

Amend ORS 114.515 to specifically allow the filing of amended affidavits of claiming successors so long as the total value of property in all filings does not exceed the statutory limits for small estate filings.

3. PUBLIC POLICY IMPLICATION

The amendment would make the administration of after found property in small estates less expensive and easier to administer. The additional filing fees would generate revenue for the courts.