

**OREGON STATE BAR
LEGISLATIVE PROPOSAL
Part I – Legislative Summary**

Re: Publication of Notice

Submitted by: Estate Planning and Administration Section

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1. Does this amend current law or program? Yes **No** **Specify**

Yes, it amends ORS 113.155.

2. Problem Presented:

Oregon law requires a personal representative to publish notice of the probate in a newspaper of general circulation within the county for 3 consecutive weeks. The costs for publication are increasing. The section is concerned that the publication of notice is an ineffective method for notifying the decedent’s unknown potential creditors that they have a limited time to file a claim against the decedent’s estate. The costs of the publication reduces the amount of assets that will be distributed to the decedent’s heirs or beneficiaries. Additionally, the estates that are admitted to probate are not usually significant estates. A probate is required if a decedent has more than \$75,000 of personal property, which includes bank accounts, vehicles, clothing, household contents, or real estate with a gross value in excess of \$200,000.

3. Solution:

The solution is to reduce the number of words that are required to be published and to reduce the number of times that notice must be published.

Additional background materials are available upon request. Please contact Susan Grabe (sgrabe@osbar.org) or Amy Zubko (azubko@osbar.org) for more information.

**OREGON STATE BAR
LEGISLATIVE PROPOSAL
Part II – Legislative Language**

Please provide your legislative language below:

Part II – Legislative Language

ORS 113.155. Publication of notice to interested persons.

(1) Except as provided in subsection (5) of this section, upon appointment a personal representative shall cause a notice to interested persons to be published once in ~~each of three consecutive weeks in:~~

(a) A newspaper published in the county in which the estate proceeding is pending; or

(b) If no newspaper is published in the county in which the estate proceeding is pending, a newspaper designated by the court.

(2) The notice shall include:

(a) The title of the court in which the estate proceeding is pending;

(b) The name of the decedent;

(c) The name of the personal representative and the address at which claims are to be presented;

(d) A statement requiring all persons having claims against the estate to present them, within four months after the date of the ~~first~~ publication of the notice to the personal representative at the address designated in the notice for the presentation of claims or they may be barred;

(e) The date of the ~~first~~ publication of the notice; and

(f) A statement advising all persons whose rights may be affected by the proceeding that additional information may be obtained from the ~~records of the~~ court, the personal representative, or the attorney for the personal representative.

(3) The failure of the personal representative to cause a notice to be published under this section is a breach of duty to the persons concerned, but does not affect the validity of appointment, duties or powers or the exercise of duties or powers.

(4) A personal representative shall file in the estate proceeding proof of the publication of notice required by this section. The proof shall include a copy of the published notice.

(5)(a) This section does not apply if the petition for appointment of the personal representative states that no assets of the estate are known to the petitioner and no assets of the estate have come into the possession or knowledge of the personal representative.

(b) If the petition for appointment of the personal representative states that no assets of the estate are known to the petitioner and assets of the estate later come into the possession or knowledge of the personal representative, the personal representative shall, within 30 days after the filing of the inventory or supplemental inventory first showing assets of the estate, commence publication of notice to interested persons as provided in this section.