

SENATE AMENDMENTS TO SENATE BILL 506

By COMMITTEE ON JUDICIARY

April 23, 1969

- 1 On page 1 of the printed bill, line 6, delete "109.041,".
- 2 On page 2, line 9, delete "118.480,".
- 3 On page 3, line 33, delete "which" and insert "that".
- 4 On page 4, line 6, after "children" insert "and their issue".
- 5 On page 9, line 20, delete "two" and insert "three".
- 6 On page 12, delete lines 15 through 22 and insert:
 - 7 **"Section 28. Succession where parents not married.** (1) For all pur-
8 poses of intestate succession, full effect shall be given to all relationships
9 as described in ORS 109.060, except as otherwise provided by law in case
10 of adoption.
 - 11 "(2) For all purposes of intestate succession and for those purposes
12 only, before the relationship of father and child and other relationships
13 dependent upon the establishment of paternity shall be given effect under
14 subsection (1) of this section:
 - 15 "(a) The paternity of the child shall have been established under ORS
16 109.070 during the lifetime of the child or;
 - 17 "(b) The father shall have acknowledged himself to be the father in
18 writing signed by him during the lifetime of the child."
- 19 On page 13, line 18, delete "for".
- 20 On page 13, delete lines 19 through 34 and insert:
 - 21 **"Section 33. Adopted persons.** (1) An adopted person, his issue and
22 kindred shall take by intestate succession from his adoptive parents, their
23 issue and kindred, and his adoptive parents, their issue and kindred shall
24 take by intestate succession from the adopted person, his issue and kindred,
25 as though the adopted person were the natural child of his adoptive parents.

NOTE: Matter in *Italics* in an amended section is new; matter ~~lined out and bracketed~~ is existing law to be omitted; complete new sections begin with **Section**.

1 “(2) An adopted person shall cease to be treated as the child of his
2 natural parents for all purposes of intestate succession by the adopted
3 person, his issue and kindred and his natural parents, their issue and
4 kindred, except:

5 “(a) If a natural parent of a person marries or remarries and the person
6 is adopted by his stepparent, the adopted person shall continue also to be
7 treated, for all purposes of intestate succession, as the child of the natural
8 parent who is the spouse of the adoptive parent.

9 “(b) If a natural parent of a person dies, the other natural parent re-
10 marries and the person is adopted by his stepparent, the adopted person
11 shall continue also to be treated, for all purposes of intestate succession
12 by any person through the deceased natural parent, as the child of the
13 deceased natural parent.

14 “(3) Sections 1 to 212 of this Act apply to adopted persons who were
15 adopted in this state or elsewhere.

16 **“Section 34. Effect of more than one adoption.** For all purposes of
17 intestate succession, a person who has been adopted more than once shall
18 be treated as the child of the parents who have most recently adopted him
19 and, except as otherwise provided in this section, shall cease to be treated
20 as the child of his previous adoptive parents. He shall continue also to
21 be treated as the child of his natural parent or previous adoptive parent
22 only to the extent provided in subsection (2) of section 33 of this Act, and
23 for the purpose of applying that subsection with reference to a previous
24 adoptive parent, ‘natural parent’ in that subsection means the previous
25 adoptive parent.

26 **“Section 35. References in wills, deeds and other instruments to accord**
27 **with law of intestate succession.** Unless a contrary intent is established
28 by the instrument, all references in a will, deed, trust instrument or other
29 instrument to an individual or member of a class described generically in
30 relation to a particular person as children, issue, grandchildren, de-
31 scendants, heirs, heirs of the body, next of kin, distributees, grandparents,
32 brothers, nephews or other relatives shall include any person who would
33 be treated as so related for all purposes of intestate succession, except
34 that an adopted person so included must have been adopted as a minor or

- 1 after having been a member of the household of the adoptive parent while
- 2 a minor.”.
- 3 On page 14, delete lines 1 through 14.
- 4 On page 17, line 5, delete “indicating” and insert “establishing”.
- 5 In line 7, after “a” insert “written”.
- 6 On page 23, line 25, after “estate” delete the period and insert a colon.
- 7 On page 31, line 21, delete “named”.
- 8 In line 22, delete “executor in the will”.
- 9 On page 32, line 5, delete “persons interested” and insert “interested
- 10 persons”.
- 11 On page 34, line 3, after “of” insert “a”.
- 12 In line 4, delete “there” and insert “therein”.
- 13 In line 23, delete “two” and insert “three”.
- 14 On page 36, line 9, after “grounds” delete “of” and insert “for”.
- 15 In line 19, delete “nominated” and insert “named”.
- 16 On page 37, line 28, delete “any dependent child” and insert “de-
- 17 pendent children” and in the same line after “decedent” insert “, or any
- 18 of them,”.
- 19 On page 38, line 14, delete “any dependent child” and insert “de-
- 20 pendent children” and in the same line after “decedent” insert “, or any
- 21 of them,”.
- 22 On page 39, line 6, delete “any”.
- 23 In line 7, delete “child” and insert “children” and in the same line after
- 24 “decedent” insert “or any of them”.
- 25 In line 33, after “support” delete the comma and insert a period.
- 26 In line 34, delete “but” and insert “The provision” and in the same line
- 27 after “administration” insert “, but shall not be a deduction for inheritance
- 28 tax purposes”.
- 29 On page 40, line 1, delete “Small estates; setting” and insert “Setting”
- 30 and in the same line after “estate” insert “for support”.
- 31 In line 4, delete “any dependent child” and insert “dependent children”.
- 32 In line 5, after “cedent” insert “, or any of them,”.
- 33 On page 42, line 9, after “than” insert “the”.
- 34 On page 45, line 10, delete “became” and insert “becomes”.

1 In line 26, after the period insert: "Only those funeral expenses neces-
2 sary for a plain and decent funeral and disposition of the remains of the
3 decedent may be paid from the estate if the assets are insufficient to pay
4 the claims of the State Public Welfare Commission and the Oregon State
5 Board of Control."

6 On page 46, line 12, after "loan" insert "association".

7 On page 47, line 8, delete "advisors" and insert "advisers".

8 In line 26, after "of" insert "the".

9 On page 48, line 12, after "paying" delete the comma.

10 On page 49, line 18, delete "in" and insert "of".

11 On page 50, line 27, delete "on" and insert "for".

12 On page 51, line 26, after "taxes" insert "shall".

13 In line 27, delete "him" and insert "the decedent".

14 On page 52, line 5, after "as" insert "a".

15 After line 18 insert:

16 **"Section 141a. Claims for personal injury, death or property damage**
17 **covered by insurance.** A claim for injury to or death of a person or damage
18 to property, to the extent that the liability of the decedent therefor is
19 covered by insurance, is not barred by failure to present it as provided in
20 subsection (3) of section 141 of this Act, but payment of the claim not so
21 presented may be made only from the insurance proceeds. The estate of
22 the decedent may be reopened for the purpose of asserting the claim and
23 payment thereof, if allowed or established, from the insurance proceeds."

24 On page 55, line 9, delete "shall".

25 In line 12, after "appealed," insert "shall".

26 In line 30, after "possession" insert "of the estate of the decedent".

27 On page 56, line 34, delete "or suit".

28 On page 57, line 1, delete "or suit".

29 In line 2, delete "or suit".

30 In line 4, delete "or suit".

31 In line 7, delete "or suit".

32 In line 12, delete "or".

33 In line 13, delete "suit".

34 In line 15, delete "or suit".

- 1 In line 21, delete "or suit".
- 2 In line 29, delete "or suit".
- 3 In line 31, delete "or suit".
- 4 On page 58, line 1, delete "or suit".
- 5 On page 59, line 2, after "if" insert a colon.
- 6 In line 4, after "and" insert a colon.
- 7 In line 13, delete "beneficiary under the will" and insert "devisee".
- 8 In line 14, delete "beneficiary" and insert "devisee".
- 9 In line 17, delete "beneficiary" and insert "devisee".
- 10 On page 60, line 5, delete "pay" and insert "discharge".
- 11 In line 9, delete "Payment" and insert "Discharge".
- 12 In line 22, delete "or suit".
- 13 In line 23, delete "or suit".
- 14 In line 32, after "representative" delete the comma.
- 15 On page 61, line 27, after "amended" insert "and in effect on Janu-
16 ary 1, 1969".
- 17 On page 62, line 12, after "settlement" insert "and distribution".
- 18 In line 24, after "security" insert "of any distributee".
- 19 In line 30, after "order" insert ", except as otherwise provided in sec-
20 tions 1 to 212 of this Act".
- 21 On page 63, line 13, delete "is" and insert "may be" and in the same
22 line after "and" insert "is".
- 23 On page 64, line 3, delete "which" and insert "that".
- 24 On page 65, line 3, delete "beneficiaries" and insert "distributees".
- 25 On page 65, after line 26 insert:
26 "(4) If the State Public Welfare Commission or its authorized agent
27 has presented a claim under ORS chapters 411 to 417, or the Oregon State
28 Board of Control or its authorized agent has presented a claim under sub-
29 section (3) of ORS 179.620, and the claim has not been settled or paid in
30 full, the personal representative shall cause to be mailed to the commis-
31 sion or board a copy of the final account at the same time, and shall make
32 proof of the mailing in the same manner, as the notice provided for in
33 this section."
- 34 On page 67, line 24, delete "Abatement".

- 1 After line 24 insert:
- 2 "(4) Abatement".
- 3 In line 26, delete "beneficiaries" and insert "distributees".
- 4 In line 28, delete "(4)" and insert "(5)".
- 5 In line 30, delete "gift" and insert "devise".
- 6 In line 31, delete "gift" and insert "devise".
- 7 In line 32, delete "(5)" and insert "(6)".
- 8 On page 68, line 3, delete "three" and insert "five".
- 9 In line 20, delete "beneficiaries" and insert "distributees".
- 10 On page 69, line 4, after "court" delete the comma.
- 11 In line 12, after "services" delete the comma.
- 12 On page 70, line 14, delete "suit" and insert "action".
- 13 In line 17, delete "a suit" and insert "an action".
- 14 In line 18, after "through" insert "fraud or misrepresentation of the
- 15 personal representative or his surety or through".
- 16 On page 72, line 2, after "representative of" insert "the estate of".
- 17 In line 5, after "decree" insert "or order".
- 18 On page 73, line 6, delete "tangible".
- 19 In line 10, delete "tangible".
- 20 In line 12, after "upon" insert "a release given by the State Treasurer
- 21 in respect to inheritance taxes and".
- 22 On page 76, line 19, after "amended" insert "and in effect on Jan-
- 23 uary 1, 1969".
- 24 On page 79, line 17, delete "valid for all purposes," and insert "as valid
- 25 as though the letters had not been revoked,".
- 26 In line 22, delete "duly".
- 27 On page 80, line 4, after the period delete the rest of the line.
- 28 Delete lines 5 and 6.
- 29 In line 14, delete ", tangible or intangible,".
- 30 On page 86, line 12, after "118.660" insert ", as amended by section 1,
- 31 chapter 111, Oregon Laws 1969 (Enrolled House Bill 1275),".
- 32 Delete lines 26 through 28 and insert "as practicable, ~~make and~~ file
- 33 with the State Treasurer a ~~report under the penalties for false swearing and~~

- 1 *return* in a form to be prescribed by the State Treasurer, which ~~[report]~~
- 2 shall include a statement of the”.
- 3 On page 87, line 5, delete “[~~schedule, list~~]” and insert “[~~report,~~]”.
- 4 In line 6, delete “[~~or statement,~~]”.
- 5 On page 88, line 12, delete “to the Supreme Court”.
- 6 In line 18, delete “Any person in possession” and insert “Possession”.
- 7 In line 20, delete “who fails, neglects or refuses” and insert “failure,
- 8 neglect or refusal”.
- 9 In line 22, delete “shall be” and insert “by any person is a misdemeanor.”.
- 10 Delete lines 23 and 24.
- 11 On page 90, line 1, after “who” insert “are residents of this state or”.
- 12 On page 92, line 1, after “cation” insert “as summons is served by pub-
- 13 lication in a civil action” and in the same line delete “or certified”.
- 14 On page 99, line 31, after “publication” insert “as summons is served
- 15 by publication in a civil action”.
- 16 In line 32, delete “or certified”.
- 17 On page 106, line 10, after “from” insert “fraud or misrepresentation
- 18 of the guardian or the surety on his bond or from”.
- 19 On page 108, line 30, after “conservator” insert “, from the estate of
- 20 the ward which is not necessary for the proper care, maintenance, educa-
- 21 tion and support of the ward and of persons to whom the ward owes a
- 22 legal duty of support,”.
- 23 On page 110, line 14, after “from” insert “fraud or misrepresentation
- 24 of the conservator or the surety on his bond or from”.
- 25 On page 113, line 26, restore “or against”.
- 26 On page 117, line 16, after “representative” delete “of” and insert “in”.
- 27 On page 121, delete lines 29 through 34 and insert:
- 28 “**Note:** Section 286 was deleted by amendment.”.
- 29 On page 122, delete lines 1 through 12.
- 30 On page 130, line 3, after “708.520” insert “, as amended by section 1,
- 31 chapter —, Oregon Laws 1969 (Enrolled Senate Bill 228),”.
- 32 In line 5, delete “intestate”.
- 33 In line 13, delete “\$1,000” and insert “\$2,500”.
- 34 In line 18, delete “intestate”.

- 1 In line 19, delete "\$1,000" and insert "\$2,500".
- 2 In line 27, after "children" insert "or surviving parent or parents".
- 3 In line 29, after "administrator" insert "or executor".
- 4 In line 32, after "administrator" insert "or executor".
- 5 On page 132, line 28, delete "118.480,".

