

Enrolled
House Bill 2633

Sponsored by COMMITTEE ON JUDICIARY (at the request of Oregon Bankers Association)

CHAPTER

AN ACT

Relating to compensation of personal representative in probate proceedings; creating new provisions; and amending ORS 116.173.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 116.173 is amended to read:

116.173. (1) Upon application to the court a personal representative is entitled to receive compensation for services as provided in this section. If there is more than one personal representative acting concurrently, the compensation shall not be increased, but may be divided among them as they agree or as the court may order. The compensation is a commission upon the whole estate, as follows:

(a) Upon the property subject to the jurisdiction of the court, including income and realized gains:

- (A) Seven percent of any sum not exceeding \$1,000.
- (B) Four percent of all above \$1,000 and not exceeding \$10,000.
- (C) Three percent of all above \$10,000 and not exceeding \$50,000.
- (D) Two percent of all above \$50,000.

(b) One percent of the property, exclusive of life insurance proceeds, not subject to the jurisdiction of the court but reportable for Oregon inheritance tax or federal estate tax purposes.

(2) In all cases, *[such]* further compensation as is just and reasonable may be allowed by the court for any extraordinary and unusual services not ordinarily required of a personal representative in the *[discharge of a trust]* **performance of duties as a personal representative.**

(3) When a decedent by will has made special provision for the compensation of a personal representative, the personal representative is not entitled to any other compensation for services unless prior to appointment the personal representative signs and files with the clerk of the court a written renunciation of the compensation provided by the will.

SECTION 2. The amendments to ORS 116.173 by section 1 of this 2005 Act apply to applications for compensation by a personal representative made on or after the effective date of this 2005 Act.

Passed by House March 23, 2005

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Chief Clerk of House

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Speaker of House

Passed by Senate May 16, 2005

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President of Senate

Received by Governor:

.....M,....., 2005

Approved:

.....M,....., 2005

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Governor

Filed in Office of Secretary of State:

.....M,....., 2005

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Secretary of State