

Estate Accountings and Verified Statements**(Be sure to mark which type of accounting, include PR and heirs or devisees names)**☐ **Final Accounting** ☐ **Annual Accounting** ☐ **Verified Statement****ALL ESTATES: The following items must be completed before estate can be closed:**

- ☐ Inventory filed – ORS 113.165
- ☐ Information to heirs and devisees – ORS 113.145(1)
- ☐ Affidavit of mailing/service to be filed within 30 days of appointment; not required to go to PR - ORS 113.145(4)
- ☐ For estates opened after 1/1/02, a copy must also go to DHS. ORS 113.145(6)
- ☐ Published notice for 1 week - ORS 113.155 (*Has a successor PR been appointed within the initial publication period? If so, they need to re-publish per ORS 113.225*)
- ☐ Search for claims, proof of compliance. ORS 115.003(4)
- ☐ Certificate: Guardian Partners, check for completion of Personal Representative Class.

POS/NOTO for interim accountings if requesting fees/disbursements and for Final Accountings:

- ☐ Heirs, if intestate – ORS 116.093(1)(a)
- ☐ Devisees, if testate - ORS 116.093(1)(a)
- ☐ Any creditor who has not been paid in full and whose claim has not otherwise been barred ORS 116.093(1)(b)
- ☐ DHS if they have filed a claim that isn't settled or paid - ORS 116.093(5)
- ☐ *If a charitable trust as described in ORS 130.170, a public benefit corporation as defined in ORS 65.001, or a religious organization is a residuary beneficiary of the estate, or if a charitable trust, a public benefit corporation or a religious organization will receive less under the judgment than the amount of a specific devise to the trust, corporation or organization, the personal representative shall mail the notice under subsection (1) of this section to the Attorney General. – ORS 116.093(2)*
- ☐ Any other person(s) known to the PR to claim an interest in the estate - ORS 116.093(1)(d)
- ☐ Notice does not have to go to PR - ORS 116.093(3)
- ☐ PR must give a notice of time to object; a deadline to object at least 20 days after notice is mailed - ORS 116.093(1)
- ☐ Proof of mailing of noticed to be made at or before approval of the final account – ORS 116.093(4)

Interim/Final Accounting by PR:

- ☐ The period of time covered by the account – ORS 116.083(2)(a)
- ☐ The total value of the property with which the personal representative is chargeable according to the inventory, or, if there was a prior account, the amount of the balance of the prior account. – ORS 116.083(2)(b)
- ☐ All money and property received during the period covered by the account – ORS 116.083(2)(c)
- ☐ All disbursements made during the period covered by the account. Vouchers for disbursements must accompany the account, unless otherwise provided by order or rule of the court, or unless the personal representative is a trust company – ORS 116.083(2)(d)
- ☐ Must include vouchers or request not to file them. – ORS 116.083(2)(d)

- ___ The money and property of the estate on hand – ORS 116.083(2)(e)
- ___ Such other information as the personal representative considers necessary to show the condition of the affairs of the estate or as the court may require – ORS 116.083(2)(f)
- ___ A declaration under penalty of perjury in the form required by ORCP 1 E – ORS 116.083(2)(g)

When the estate is ready for final settlement and distribution, the account must also include:

- ___ A statement that all Oregon income, inheritance, and personal property taxes, if any, have been paid, or if not so paid, that payment of those taxes has been secured by bond, deposit or otherwise, and that all required tax returns have been filed - ORS 116.083(4)(b)
- ___ **A statement that any required estate tax return has been filed - ORS 116.083(4)(a)**
- ___ A petition for a judgment authorizing the personal representative to distribute the estate to the persons and in the portions specified therein- ORS 116.083(4)(e)
- ___ If a PR is requesting an extraordinary fee (more than statute), must be supported by an affidavit - ORS 116.173
 - The statute allows:
 - (7% first 1k (\$70)) + (4% of 1k-10k (\$360)) + (3% of 10k – 50k (\$1200)) = \$1630 on 1st 50k, 2% on all amount over 50k

Verified Statement (“short form”) – Alternative to Accounting: ORS 116.083(3) and (5)

The personal representative, in lieu of an interim or final account otherwise required by this section, may file a short form. Requires:

- ___ The period of time covered by the statement - ORS 116.083(3)(b)(A) & (5)(b)(A)
- ___ Distributees consent in writing - ORS 116.083(3)(a) and (5)(a)(A)
- ___ Interim only: Description and statement of value of money and property on hand at beginning and ending of period of time covered by statement & copy of most recent bank/financial statements- ORS 116.083(3)(b)(B) & (C)
- ___ Interim only: List of unpaid claims allowed or disputed including name, description, amount, priority and reason hasn’t been paid - ORS 116.083(3)(b)(D)*
- ___ Interim only: Statement describing why estate not ready for final settlement and distribution - ORS 116.083(3)(b)(E)
- ___ Final only: All creditors of the estate have been paid in full other than creditors owed administrative expenses that require court - ORS 116.083(5)(a)(B)
- ___ Final only: A statement that all creditors have been paid in full other than creditors owed administrative expenses that require court approval – ORS 116.083(5)(b)(B)
- ___ Final only: The statement and petition referred to in subsection (3) of this section - ORS 116.083(3)(b)(F) & (5)(b)(C)
- ___ A declaration under penalty of perjury in the form required by ORCP 1 E - ORS 116.083(5)(b)(D)
 - Notice of time for filing objections to the statement described in subsection (4) of this section is not required - ORS 116.083(6)

Finally:

- ___ Proposed distribution matches the will of laws of intestate (e.g.: if will devises to a trust, that is the proposed distribution)
- ___ Special interest beneficiaries are protected: (minor = conservatorship, annuity, or restricted account; disabled adult, has special needs trust been considered?)

*Upon filing a statement under ORS 116.083(3)(a), the PR shall mail a copy of the interim verified stmnt to each creditor of the estate whose claim has not been paid in full and is allowed or disputed. Within 30 dys after date of mailing, a creditor may require PR to file an account by written notice to PR.