

SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 4102

By COMMITTEE ON JUDICIARY

February 19

1 On page 1 of the printed A-engrossed bill, line 27, before the period insert “and includes an
2 adopted child and the adopted child’s descendants”.

3 On page 3, delete lines 21 through 45.

4 On page 4, delete lines 1 through 3 and insert:

5 “**SECTION 4.** ORS 112.045 is amended to read:

6 “112.045. The part of the net intestate estate not passing to the surviving spouse shall pass:

7 “(1) To the issue of the decedent. Issue of different generations in relation to the decedent take
8 by representation as defined in ORS 112.065.

9 “(2) If there is no surviving issue [*or spouse*], to the surviving parents of the decedent.

10 “(3) If there is no surviving issue[, *spouse*] or parent, to the brothers and sisters of the decedent
11 and the issue of any deceased brother or sister of the decedent by representation as defined in ORS
12 112.065. If there is no surviving brother or sister, the issue of brothers and sisters take equally if
13 they are all of the same generation in relation to the decedent, but if of different generations, then
14 those of later generations take by representation as defined in ORS 112.065.

15 “(4)(a) If there is no surviving issue, [*spouse,*] parent or issue of a parent, equally to the
16 grandparents of the decedent and the issue of any deceased grandparent of the decedent by repre-
17 sentation as defined in ORS 112.065 **who left issue surviving at the time of the decedent’s**
18 **death.** If one or more grandparents of the decedent do not survive the decedent, the issue of the
19 grandparents take equally if they are all of the same generation in relation to the decedent, but if
20 of different generations, then those of later generations take by representation as defined in ORS
21 112.065.

22 “(b) If there is no surviving grandparent, the issue of grandparents take equally if they are all
23 of the same generation in relation to the decedent, but if of different generations, then those of later
24 generations take by representation as defined in ORS 112.065.

25 “(5) If, at the time of taking, surviving parents or grandparents of the decedent are married to
26 each other, they shall take real property as tenants by the entirety and personal property as joint
27 owners with the right of survivorship.

28 “**SECTION 4a.** ORS 112.045, as amended by section 4 of this 2016 Act, is amended to read:

29 “112.045. The part of the net intestate estate not passing to the surviving spouse shall pass:

30 “(1) To the [*issue*] **descendants** of the decedent **by representation as described in ORS**
31 **112.065.** [*Issue of different generations in relation to the decedent take by representation as defined in*
32 *ORS 112.065.*]

33 “(2) If there is no surviving [*issue*] **descendant**, to the surviving parents of the decedent.

34 “(3) If there is no surviving [*issue*] **descendant** or parent, **equally** to the brothers and sisters
35 of the decedent and [*the issue*] **by representation as described in ORS 112.065 to the descendants**

1 of any deceased brother or sister of the decedent [*by representation as defined in ORS 112.065*]. If
2 there is no surviving brother or sister, the [*issue*] **descendants** of brothers and sisters take equally
3 if they are all of the same generation in relation to the decedent, but if of different generations, then
4 those of later generations take by representation as [*defined*] **described** in ORS 112.065.

5 “(4)(a) If there is no surviving [*issue, parent or issue*] **descendant, parent or descendant** of a
6 parent, equally to the grandparents of the decedent and [*the issue*] **by representation as described**
7 **in ORS 112.065 to the descendants** of any deceased grandparent of the decedent [*by representation*
8 *as defined in ORS 112.065*] who left [*issue*] **descendants** surviving at the time of the decedent’s
9 death. If one or more grandparents of the decedent do not survive the decedent, the [*issue of the*]
10 **descendants of each of the deceased** grandparents take equally if they are all of the same gener-
11 ation in relation to the decedent, but if of different generations, then those of later generations take
12 by representation as [*defined*] **described** in ORS 112.065.

13 “(b) If there is no surviving grandparent, the [*issue*] **descendants** of grandparents take equally
14 if they are all of the same generation in relation to the decedent, but if of different generations, then
15 those of later generations take by representation as [*defined*] **described** in ORS 112.065.

16 “(5) If, at the time of taking, surviving parents or grandparents of the decedent are married to
17 each other, they shall take real property as tenants by the entirety and personal property as joint
18 owners with the right of survivorship.”.

19 On page 13, line 23, after “112.035” insert “, 112.045”.

20 In line 24, after “3,” insert “4a,”.

21 In line 27, after “112.035” insert “, 112.045”.

22 In line 28, after “3,” insert “4a,”.

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