

OUR VIEW

Adding police an investment in the future

Seldom is the idea to add more funding to emergency services a bad idea, and the fact Pendleton City Manager Robb Corbett wants to boost the number of police should be seen as a good step by residents and their elected leaders.

Corbett wants to add two new positions for the police department in his 2022-23 budget proposal with plans to add two more the following year. The last time the city police department faced a boost in positions was nearly 10 years ago.

The reasons for more police positions are so lengthy the idea is almost a no-brainer. At any time, an investment in public safety is one taxpayers should — and usually do — support. That's because of all the services a city must pay for and maintain, public safety is at the top of the list. Good roads are important as are many other pieces of city infrastructure, but if a town is wallowing in crime none of those things matter.

The key, of course, is money. Hiring more police means spending more money. That could make citizen lawmakers on the council leery and, while understandable, they should put away their doubts and support the addition of police positions.

Pendleton also is expected to grow. As it grows it will encounter all of the pains — including a potential higher crime rate — that expansion entails. That means an investment now in more police officers will pay real dividends in five to 10 years or beyond.

The police department already is short-staffed, so the addition of new officers is really just a step in the right direction in terms of the ability to provide the best service possible for Pendleton residents.

No one — not taxpayers nor their elected leaders — embraces another idea to spend money. In a perfect world the amount we all pay in taxes would be enough to cover every conceivable emergency or problem.

The fact is, though, we don't live in a perfect world but one where there are a lot of gray areas rather than black and white questions and answers.

Adding more officers to the police department is an excellent idea and one that shows the city wants to invest in its future instead of burying its head in the sand and hoping for the best. Hope is good, but hope is not a method.



What does an executor decide in a will?



BLAINE
CLOOTEN

ASK AN ATTORNEY

Q. Can the executor decide who gets what in a will?

A. This is a commonly asked question and worth exploring. This question does not arise until we have a decedent (person who has passed away) with property that needs to be probated.

Probate often is needed to clear title to land or bank accounts, collect debts owed to the deceased, and/or resolve any will disputes (validity or who should take what).

In Oregon, the executor is referred to as a “personal representative” but it is the same idea.

In this question, we assume the will has designated a personal representative or executor already named.

The personal representative must be approved by the court and is the person who is charged with handling the deceased person's affairs. The personal representative has a duty to take control of the assets of the estate and determine any outstanding creditors. The personal representative will give notice to the creditors that they have four months to bring any claim against the estate for debts the deceased person owed to them. The personal representative pays these “claims” before any assets are distributed to heirs.

The heirs (or people named in the will) are given notice of the probate proceeding. The personal representative identifies and inventories the assets of the estate.

The personal representative is under a fiduciary duty to follow the terms of the will. The will itself controls

who gets what, not the executor. The powers of the personal representative are typically outlined by the will. If the will is unclear or does not specifically state the personal representative's powers the next step is to look to the law (Oregon Revised Statutes).

The role of the personal representative is to follow the terms of the will. While the personal representative might act as a “tie-breaker” in a will dispute for personal property, this is an infrequent issue when it comes to the “residue” of the estate. I'll explain why.

A will is typically separated into two distinct property categories: 1) personal property; and 2) residue.

Personal property can include things like jewelry, cars and furniture. Residue of the estate (everything else) are usually things like: Real property, bank accounts and retirement accounts.

However, in some estates, all the personal property, real property and bank accounts are sold and consolidated into a single “residue.” It just depends.

For example, a family with a husband, wife and four children. Let's assume all the children are living, father passed away 10 years ago and mother passed away three months ago. The estate is in probate, and there is personal property at the house that the children want to “split up.”

This is where the personal representative would step in and decide the method the children will “split up” or distribute the personal property. A fairly common way to distribute the personal property would be by drawing straws, determining and order, and each child picking a piece of personal property one at a time, until the desired pieces are decided. Any remaining/unwanted items would then be sold off and distributed as part of the residue.

In this example, not every

person's pick will necessarily have an exactly equal value. One child might pick a dish that has sentimental value while another child takes an electronic of significant value.

The rules do not require value to be exactly the same, but instead to be substantially equal. Value can be difficult to determine and generally, the intent is to have all the heirs either agree, or compromise.

Personal property is generally different from residue, which is typically delineated in shares or percentages. This again doesn't mean exactly equal value, but substantially equal. Under the residue, one child might be taking a piece of real property with a hard to define value and the other child might be taking a bank account. What's important is that they take a substantially equal portion, but not necessarily an exactly equal portion.

For these reasons, a careful will drafter will take efforts to avoid conflict by outlining personal property in a predetermined order. Often, I include a “personal property memorandum,” which allows the testator (will drafter) to detail which heir will get which piece of personal property. Susie gets my jewelry; Joey gets the Ford and so on.

Another way to avoid conflict is by specifically designating that all the property of the estate is to be sold and the proceeds to be equally divided among the heirs.

If you still have questions, and I'm guessing you might, please talk to an estate planning attorney.

Blaine Clooten is an attorney serving Umatilla County with a focus on family law, estate planning and personal injury cases. Questions answered do not create an attorney-client relationship. Facts and law may vary; talk to an attorney for more information.

YOUR VIEWS

Melissa Lindsay working to improve Morrow County

I am writing in support of Melissa Lindsay for Morrow County commissioner. Melissa cares about Morrow County communities and has worked diligently to see that they all receive the resources that they need.

She fought hard to make sure that the County Administrative Office remained in Irrigon, when there was a push to move it. She worked through many of her numerous resources to bring everyone to the table to help Ione find a path toward solving its infrastructure needs. She fought for funding for Lexing and all of our cities to assist with their needs. She has rallied many entities to find a solution for the flood mapping at the Kinzua Mill site, that will allow development.

These are small examples of the way she has touched us all. She serves on so many committees and boards that I

can't begin to list them. Know that they are important and make a difference.

When asked why she is running again, her answer is simple. I am not done yet. She has so many projects to see to completion. Every one of them will benefit us in some way. Improving our neighbor's lives improves ours. She will be watching out for all of us. I am proud to support and to know Melissa Lindsay. Vote for our citizens. Vote for Melissa Lindsay.

Kim Cutsforth
Heppner

BMCC Board of Education should reconsider

I was surprised to read the article about cuts to 10 full-time faculty at Blue Mountain Community College. My family lived in Pendleton for many years. My three daughters took advantage of the opportunities that were available at BMCC.

One of my daughters received a transfer degree from the college, went on to Portland State University, graduated and is now working a professional level job in social services. She was the first one in my family to receive a college degree. A second daughter took numerous transfer courses in preparation to apply for the nursing program.

My third daughter spent a year exploring courses at BMCC after high school as she contemplated what she would do for a future career. None of this would have been possible without the low costs and availability of transfer courses offered at BMCC.

I hope the BMCC Board of Education will reconsider this radical action. Take a minute and think of all the people who have benefited from BMCC's transfer program over the years, please don't take that opportunity away from others that would benefit the way my family has.

Bobbie Napoli
The Dalles

EDITORIALS

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