



2018 Schedule OR-OSMP



Election to be signed by all permissible distributees except the surviving spouse: Each of the undersigned acknowledge and consent to a portion of the \_\_\_\_\_ (name of trust or other property interest) being set aside as a separate share or trust in order to qualify for the Oregon special marital property election in accordance with ORS 118.013, for the primary purpose of reducing or eliminating the Oregon estate tax due on the estate of \_\_\_\_\_ (name of decedent). The undersigned together with the surviving spouse constitute all of the persons living on the date of this election who may be entitled to a distribution during the lifetime of the surviving spouse from the \_\_\_\_\_ (name of trust or other property interest). Each of the undersigned, both on behalf of the undersigned and on behalf of the unborn lineal descendants of the undersigned, irrevocably agrees to release all rights to any current interest in the Oregon special marital property during the lifetime of the surviving spouse. Each of the undersigned agrees that all other provisions of the \_\_\_\_\_ (name of trust or other property interest) shall remain in effect and that, upon the death of the surviving spouse, any remaining Oregon special marital property shall be distributed as otherwise provided in the trust or other property interest.

Signature of: \_\_\_\_\_ (permissible distributee)
Signature of: \_\_\_\_\_ (permissible distributee)
Signature of: \_\_\_\_\_ (permissible distributee)
Signature of: \_\_\_\_\_ (permissible distributee)

If more signature lines are needed, include a continuation schedule.

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Notary Public

My commission expires: \_\_\_\_\_

Election to be signed by the surviving spouse: I am the surviving spouse of \_\_\_\_\_ (name of decedent). I acknowledge and consent to a portion of the \_\_\_\_\_ (name of trust or other property interest) being set aside as a separate share or trust in order to qualify as Oregon special marital property under ORS 118.013, for the primary purpose of reducing or eliminating the Oregon estate tax due on the estate of \_\_\_\_\_ (name of decedent). I, together with all of the other individuals executing the election in accordance with ORS 118.013, constitute all of the persons living on the date of this election who are permissible distributees or who may be entitled to a distribution from the Oregon special marital property to which this election applies.

I agree that all other terms, conditions and provisions that apply to the \_\_\_\_\_ (name of trust or other property interest) shall apply to the Oregon special marital property to which this election applies, and that upon my death, any remaining Oregon special marital property shall be distributed as otherwise provided in the trust or other property interest.

Signature of: \_\_\_\_\_ (surviving spouse)

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Notary Public

My commission expires: \_\_\_\_\_

# Instructions for 2018 Schedule OR-OSMP, Oregon Special Marital Property

Use this schedule for estates making an Oregon special marital property (OSMP) election under Oregon Revised Statutes (ORS) 118.013 and 118.016.

## Schedule OR-OSMP instructions

**Note:** You aren't required to submit page 2 of this form if only the surviving spouse will benefit from the marital property.

The Oregon special marital property (OSMP) election is an election made by the estate executor.

This election is irrevocable.

Complete this schedule if there is a difference between your federal and state marital deduction and you want to reduce the Oregon estate transfer tax debt.

Does the trust or other property interest allow distributions to persons other than the surviving spouse? If yes, the executor may use this schedule to elect a share of the trust or other property interest for the benefit of the surviving spouse as OSMP.

The surviving spouse and each permissible distributee must have their signatures notarized. A **permissible distributee** is a beneficiary who's currently eligible to receive distributions of trust income or principal, whether the distribution is mandatory or discretionary (ORS 130.010). Use page 2 of Schedule OR-OSMP to make the election and get consent from all permissible distributees.

Unless the executor identifies a fractional portion or percentage of the trust or other property for this election, the executor is deemed to have made an OSMP election on the entire trust or other property.

## Line instructions

**Line 2.** The total funeral and administrative expenses from federal Schedule J claimed on Form OR-706, part 5, recapitulation, line 513.

**Line 3.** The total debts, mortgages, and liens from federal Schedule K claimed on Form OR-706, part 5, recapitulation, lines 514 and 515.

**Line 4.** The total net losses during administration and expenses incurred administering property not subject to claims from federal Schedule L claimed on Form OR-706, part 5, recapitulation, lines 518 and 519.

**Line 5.** The total marital bequests from federal Schedule M claimed on Form OR-706, part 5, recapitulation, line 520.

**Line 6.** The total charitable bequests from federal Schedule O claimed on Form OR-706, part 5, recapitulation, line 521.

**Line 9.** Oregon estate transfer tax filing threshold is \$1 million.

**Line 10.** This is the minimum OSMP amount needed to reduce your Oregon estate transfer tax debt to zero.

**Specific assets for OSMP election:** Identify the specific property for the OSMP election.

**Column A.** Show the schedule and item number where the OSMP asset is identified for gross estate.

**Column B.** Show the fractional portion or percentage, if 100 percent isn't OSMP property. Round to four decimal places.

**Column C.** Describe the property.

**Column D.** Show the value of the property for the election.

If more space is needed, include a continuation schedule.

**Line 13.** This is your OSMP election amount. Enter this amount on your Oregon-only Schedule M and add this amount to your federal Schedule M amount on Form OR-706, recapitulation, part 5, line 520.

**Example:** Federal Schedule M is \$2.4 million plus your OSMP of \$1 million equals a total of \$3.4 million (\$3,400,000) on Form OR-706, part 5, line 520.

## Do you have questions or need help?

### Internet

[www.oregon.gov/dor](http://www.oregon.gov/dor)

- Download forms, instructions, and publications.
- Access Revenue Online to make payments.
- Search FAQs.

### Email

[estate.help.dor@oregon.gov](mailto:estate.help.dor@oregon.gov)

*This email address isn't secure and confidentiality can't be ensured. General tax and policy questions only. We ask that professional tax preparers and attorneys research questions before contacting us.*

### Correspondence

Estate Audit, Business Division  
Oregon Department of Revenue  
PO Box 14110, Salem OR 97309-0910  
Fax: (503) 945-8787, Estate Tax Unit

### Phone

(503) 378-4988 or (800) 356-4222  
Monday–Friday, 7:30 a.m.–5 p.m.  
Closed Thursdays from 9–11 a.m. Closed holidays.  
Wait times may vary.

Contact us for ADA accommodations or assistance in other languages.

### In person

Find directions and hours on our website.