

**APPOINTMENT of PERSON to MAKE DECISIONS CONCERNING  
DISPOSITION of a CURRENT DECEDENT'S REMAINS**

*This sample form has been created by OMCB for use by the person who has the lawful right to control final disposition under ORS 97.130(2))  
for a **current** (or pending) decedent and, who, as permitted under ORS 97.130(3), wants to appoint  
**ANOTHER PERSON** to make the final disposition decisions on their behalf.*

I, \_\_\_\_\_, appoint \_\_\_\_\_, whose address  
*(Printed name of appointing person) (Printed name of appointed person)*  
is \_\_\_\_\_, and whose telephone number is (\_\_\_\_\_) \_\_\_\_\_,  
as the person to make all decisions regarding the disposition of \_\_\_\_\_  
*(Printed name of decedent)*  
for burial or cremation (circle one).

It is my intent that this Appointment of Person to Make Decisions Concerning Disposition of a Current Decedent's Remains act as and be accepted as the written authorization presently permitted under ORS 97.130(3) (or its corresponding future provisions) or any other provision of Oregon Law, authorizing me to name another person to have authority to dispose of the remains.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_  
*(Date) (Month) (Signature of Appointing Person as authorized under ORS 97.130(2) & (3))*

**DECLARATION OF WITNESSES**

We declare that \_\_\_\_\_ is personally known to us, that he/she signed this Appointment of Person to Make Decisions Concerning Disposition of a Current Decedent's Remains in our presence, that he/she appeared to be of sound mind and not acting under duress, fraud or undue influence, and that neither of us is the person so appointed by this document.

Witnessed by: \_\_\_\_\_  
*(Printed name of witness) (Phone number)*  
\_\_\_\_\_  
*(Signature of witness) (Date signed)*

Witnessed by: \_\_\_\_\_  
*(Printed name of witness) (Phone number)*  
\_\_\_\_\_  
*(Signature of witness) (Date signed)*

**ORS 97.130 Right to control disposition of remains; delegation.**

(1) \*\*\*

(2) A person within the first applicable listed class among the following listed classes that is available at the time of death or, in the absence of actual notice of a contrary direction by the decedent as described under subsection (1) of this section or actual notice of opposition by completion of a written instrument by a member of the same class or a member of a prior class, may direct any lawful manner of disposition of a decedent's remains by completion of a written instrument: (a) The spouse of the decedent.

- (b) A son or daughter of the decedent 18 years of age or older.
- (c) Either parent of the decedent.
- (d) A brother or sister of the decedent 18 years of age or older.
- (e) A guardian of the decedent at the time of death.
- (f) A person in the next degree of kindred to the decedent.
- (g) The personal representative of the estate of the decedent.
- (h) The person nominated as the personal representative of the decedent in the decedent's last will.
- (i) A public health officer.

(3) The decedent or any person authorized in subsection (2) of this section to direct the manner of disposition of the decedent's remains may delegate such authority to any person 18 years of age or older. Such delegation shall be made by completion of the written instrument described in subsection (7) of this section. The person to whom the authority is delegated shall have the same authority under subsection (2) of this section as the person delegating the authority.

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(7) The signature of the individual shall be required for the completion of the written instrument required in subsection (3) of this section. The following form or a form substantially similar shall be used by all individuals...

Under **ORS 692.180(1)** the following is cause for disciplinary action: (L) Acting as the legal representative of any deceased person for whom the licensee has rendered services governed by this chapter. This subsection does not prohibit a licensee from acting as the legal representative of a deceased relative or a deceased licensee if the deceased licensee was a partner, employee or employer in the licensee's practice.