

SHORT TITLE: Probate procedure; requiring notice of hearing for letters of administration to be mailed within certain time period; effective date.

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

SENATE BILL NO. 652

By: Hendrick

AS INTRODUCED

An Act relating to probate procedure; amending 58

O.S. 1991, Section 128, which relates to notice of hearing for letters of administration; requiring notice of certain hearing to be mailed within certain time period; clarifying language; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 58 O.S. 1991, Section 128, is amended to read as follows:

Section 128. A. When a petition praying for letters of administration is filed, the judge of the court must set a day for hearing the same and cause notice thereof to be given, containing the name of the decedent, the name of the applicant for letters, and the day on which the application will be heard, ~~and if.~~

B. If the names and addresses of all heirs of the decedent are known to the petitioner and are set out in ~~said the~~ the petition ~~said,~~ the notice must be given, as provided in ~~Title 58, O.S.S. Annot., Sec. 34; Laws 1969, c. 302, Sec. 38~~ Section 34 of this title, by mailing a copy of the same to each of the heirs of the deceased with the postage thereon prepaid; ~~provided, however, if~~ at least ten (10) days before the day set for the hearing.

C. If the name or address of one or more heirs of the decedent is not known to the petitioner, notice of the hearing of ~~said the~~ the

petition shall be given by mailing, as above provided, and by publishing the same one time in a legal newspaper in ~~said~~ the county at least ten (10) days before the day set for ~~said~~ the hearing, ~~provided, further, that if.~~

D. If the petition asks for the appointment of some person entitled under the law to appointment, and there shall accompany such petition a waiver of all persons having a prior right to appointment or if the applicant has a prior right of appointment, then no notice shall be given and the court shall proceed without delay to hear such petition.

SECTION 2. This act shall become effective September 1, 1994.

44-2-1693

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