

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

HOUSE BILL NO. 1843

By: Pope (Clay)

AS INTRODUCED

An Act relating to wills and succession; amending 84 O.S. 1991, Sections 4, 222, 223 and 227, which relate to succession and payment of legacies; modifying certain property which may be used for payment of certain legacies; clarifying treatment of kindred of the half blood; adding heirs to certain advancement and representations; and providing an effective date.

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

SECTION 1. AMENDATORY 84 O.S. 1991, Section 4, is amended to read as follows:

Section 4. The property of a testator, except as otherwise specially provided in this code and under civil procedure, must be resorted to for the payment of legacies in the following order:

1. The property which is expressly appropriated by the will for the payment of the legacies~~;~~;
2. Property not disposed of by the will~~;~~;
3. Property which is devised or bequeathed to a residuary legatee~~;~~; and
4. Property which is not specifically devised or bequeathed.

SECTION 2. AMENDATORY 84 O.S. 1991, Section 222, is amended to read as follows:

Section 222. Kindred of the half blood inherit ~~equally with those the same as they would inherit if they were~~ of the whole blood ~~in the same degree, unless the inheritance come to the intestate by descent, devise or gift of some one of his ancestors, in which case all those who are not of the blood of such ancestors must be excluded from such inheritance.~~

SECTION 3. AMENDATORY 84 O.S. 1991, Section 223, is amended to read as follows:

Section 223. Any estate, real or personal, given by the decedent in his lifetime, as an advancement to any child ~~or~~, other lineal descendant, or heir, is a part of the estate of the decedent for the purposes of division and distribution thereof among his issue, and must be taken by such child, ~~or~~ other lineal descendant, or heir toward his share of the estate of the decedent.

SECTION 4. AMENDATORY 84 O.S. 1991, Section 227, is amended to read as follows:

Section 227. If any child ~~or~~, other lineal descendant, or heir receiving advancement, dies before the decedent, leaving issue, the advancement must be taken into consideration in the division and distribution of the estate, and the amount thereof must be allowed accordingly by the representatives of the heirs receiving the advancement, in like manner as if the advancement had been made directly to them.

SECTION 5. This act shall become effective January 1, 1996.

45-1-6052 KSM