

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1287

By: Graves

AS INTRODUCED

An Act relating to probate procedure; amending 58 O.S. 1991, Section 1, as amended by Section 6, Chapter 253, O.S.L. 1995 (58 O.S. Supp. 1996, Section 1), which relates to jurisdiction of probate courts; modifying jurisdiction; authorizing probate courts to determine title to real and personal property; authorizing determinations of title with respect to third parties; and providing an effective date.

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

SECTION 1. AMENDATORY 58 O.S. 1991, Section 1, as amended by Section 6, Chapter 253, O.S.L. 1995 (58 O.S. Supp. 1996, Section 1), is amended to read as follows:

Section 1. A. The district court has probate jurisdiction, and the judge thereof power, which must be exercised in the cases and in the manner prescribed by statute:

1. To open and receive proof of last wills and testaments, and to admit them to proof and to revoke the probate thereof, and to allow and record foreign wills;

2. To grant letters testamentary, of administration and of guardianship, and to revoke the same;

3. To appoint appraisers of estates of deceased persons and of minors and incapacitated persons;

4. To compel executors, administrators, and guardians to render accounts;

5. To order the sale of both real and personal property of decedents' estates, or belonging to minors or to incapacitated persons and to make determinations regarding title to real and personal property in actions or proceedings between the executor or personal representative of the estate and third parties with adverse or inconsistent claims to real or personal property of the estate or in actions or proceedings between heirs, devisees, legatees or other beneficiaries and third parties with adverse or inconsistent claims to real or personal property of the estate;

6. To order the payments of debts from estates or guardianships;

7. To order and regulate all distribution of property or estates of deceased persons;

8. To compel the attendance of witnesses and the production of title deeds, papers, and other property of an estate, or of a minor, or incapacitated persons;

9. To exercise all the powers conferred by this chapter or by other law;

10. To make such orders as may be necessary to the exercise of the powers conferred upon it; and

11. To appoint and remove guardians for infants, and for persons insane or who are otherwise incapacitated persons; to compel payment and delivery by them of money or property belonging to their wards, to control their conduct and settle their accounts.

B. The district court which has jurisdiction and venue of the administration of any estate is granted jurisdiction and venue to cause Oklahoma and federal estate taxes to be equitably apportioned and collected.

SECTION 2. This act shall become effective November 1, 1997.

46-1-6035 MAH