

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 3092

By: Graves

AS INTRODUCED

An Act relating to probate procedure; amending 58 O.S. 1991, Section 710, which relates to attorneys appointed by the court; 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 710, is amended to read as follows:

Section 710. A. At or before the hearing of petitions and contests for ~~the~~the:

1. The probate of wills; ~~for letters~~
2. Letters testamentary or of the administration; ~~for sales~~
3. Sales of real estate and confirmation thereof; ~~settlements~~
4. Settlements, partitions and distributions of estates; and ~~all~~
5. All other proceedings where all the parties interested in the estate are required to be notified thereof, the court may, in its discretion, appoint ~~some~~ a competent attorney-at-law to represent in all such proceedings the devisees, legatees, heirs, or creditors of the decedent, who are minors and have no general guardian in the county, or who are nonresidents of the state, and

those interested, who, though they are neither such minors or nonresidents, are unrepresented.

B. The order must specify the names of the parties for whom the attorney is appointed, who is thereby authorized to represent such parties in all such proceedings had subsequent to his appointment.

C. The attorney may receive a fee to be fixed by the court for his services, which must be paid out of the funds of the estate as necessary expenses of administration, and upon distribution may be charged to the party represented by the attorney.

D. If for any cause it becomes necessary, the district court may substitute another attorney for the one first appointed, in which case the fee must be proportionately divided. The nonappointment of an attorney will not affect the validity of any of the proceedings.

SECTION 2. This act shall become effective November 1, 1998.

46-2-9136            KSM