

SB 265

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**THE STATE SENATE**  
**Monday, February 22, 1999**

**Senate Bill No. 265**  
**As Amended**

SENATE BILL NO. 265 - By: SNYDER and SMITH of the Senate and COX of the House.

An Act relating to guardian and ward; amending 30 O.S. 1991, Section 4-709, as last amended by Section 3, Chapter 293, O.S.L. 1996 (30 O.S. Supp. 1998, Section 4-709), which relates to powers and duties of guardian; allowing guardian to invest in annuities of up to a certain value; and providing an effective date.

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

SECTION 1. AMENDATORY 30 O.S. 1991, Section 4-709, as last amended by Section 3, Chapter 293, O.S.L. 1996 (30 O.S. Supp. 1998, Section 4-709), is amended to read as follows:

Section 4-709. A. Except as may be otherwise provided by law, the money belonging to estates of minors and incapacitated or partially incapacitated persons, subject to the jurisdiction of the court, can only be invested in one or more of the following:

- 1. Real estate and first mortgages upon real property which do not exceed fifty percent (50%) of the actual value of the property;
- 2. United States bonds, or any other type of security certificate, or evidence of indebtedness which is guaranteed by the United States government, or any authorized agency thereof;
- 3. State bonds;

1 4. Bonds of municipal corporations; ~~or~~

2 5. Annuities covered by the Oklahoma Life and Health Insurance  
3 Guaranty Association, which do not exceed Three Hundred Thousand  
4 Dollars (\$300,000.00), individually; or

5 6. Accounts in savings and loan associations and credit unions  
6 located in this state, and all types of interest-bearing time  
7 deposits and certificates of banks, savings and loan associations,  
8 and credit unions located in this state, not to exceed the amount  
9 insured by the United States government.

10 B. Upon application to the court by the guardian of the estate  
11 of the incapacitated or partially incapacitated person, showing to  
12 the satisfaction of the court:

13 1. That the incapacitated or partially incapacitated person is  
14 vitally in need of a home;

15 2. That the incapacitated or partially incapacitated person  
16 owns no suitable homestead;

17 3. That the incapacitated or partially incapacitated person has  
18 sufficient monthly, semi-annual, or annual fixed income to retire an  
19 incurred indebtedness for the remaining unpaid cost of a homestead;  
20 and

21 4. That it would be in the best interest of the incapacitated  
22 or partially incapacitated person that a suitable homestead be  
23 purchased on that basis.

1 The court may enter an order authorizing the guardian to execute and  
2 deliver a note and mortgage, under such tenor and terms as the court  
3 will approve, for the purpose of securing payment of any remaining  
4 cost of such a homestead. Any note and mortgage given by a guardian  
5 under the provisions of this section shall, if authorized by the  
6 court as provided for in this section, be endorsed "approved" by the  
7 judge. When so authorized and endorsed, the note and mortgage shall  
8 be a binding obligation against the ward and the estate of the ward  
9 until fully paid. The ward, if subsequently restored to competency  
10 to transact business, shall be held firmly bound by the note and  
11 mortgage in the same manner and to the same extent as though the  
12 ward had given the homestead purchase-money note and mortgage.

13 C. When an individual guardian enters into an agreement with a  
14 bank or trust company, or when the guardian is a bank or trust  
15 company qualified and acting under the supervision of the ~~State~~  
16 Banking Board, or of the Comptroller of the Currency of the United  
17 States of America, the guardian may, upon application to the court,  
18 invest funds coming into its hands as guardian in any property,  
19 real, personal or mixed, in which an individual may invest the  
20 individual's own funds pursuant to the provisions of the Oklahoma  
21 Uniform Prudent Investor Act, unless otherwise provided by law.

22 SECTION 2. This act shall become effective November 1, 1999.

23 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-16-99 - DO  
24 PASS, As Amended and Coauthored.