

ENGROSSED HOUSE
BILL NO. 1872

By: Graves of the House
and
Smith of the Senate

An Act relating to probate procedure; amending 58 O.S. 2001, Section 241, which relates to summary administration; increasing maximum estate value for a summary administration; modifying publication of notice requirement; providing time for filing claims; and providing an effective date.

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

SECTION 1. AMENDATORY 58 O.S. 2001, Section 241, is amended to read as follows:

Section 241. A. If, upon filing a petition for probate and after the appointment of the personal representative, it appears that the value of the real and personal property in the estate does not exceed ~~Sixty Thousand Dollars (\$60,000.00)~~ One Hundred Fifty Thousand Dollars (\$150,000.00), the court shall order the personal representative to make an inventory of the estate, and the court shall appoint appraisers unless the court determines that appraisement is not necessary.

B. If, upon return of the inventory of the estate of the decedent, and appraisement of the estate if required, it appears that the value of the whole estate, both real and personal property, does not exceed ~~Sixty Thousand Dollars (\$60,000.00)~~ One Hundred Fifty Thousand Dollars (\$150,000.00), and upon application of the personal representative, the court shall dispense with the regular proceedings or any part thereof prescribed by law, and the court shall order notice to creditors, and issue order for hearing upon the final accounting and petition for determination of heirship, distribution and discharge; provided, nothing herein shall affect

the lien upon any property for any estate or transfer tax which may be due upon the estate of the decedent.

C. Notice to creditors and notice of hearing upon the final accounting and petition for determination of heirship, distribution and discharge shall be published once each week for two (2) consecutive weeks in some newspaper of general circulation, published in the county where the probate is filed, ~~or, where there is no newspaper published in the county, posted in three public places in said county, one of which shall be the county courthouse.~~ If there is no legal newspaper in a county, then all such notices required by this subsection shall be published in a legal newspaper in an adjoining county having a legal newspaper. Notice to creditors and notice of hearing upon the final accounting, determination of heirship, distribution and discharge may be combined in one notice, referred to as a "combined notice". The notice to creditors or combined notice shall be mailed to creditors of the decedent as provided in Sections 331 and 331.1 of this title. Creditors shall file claims against the estate with the personal representative or the attorney for personal representative within thirty (30) days after the publication of the notice. Notice of the hearing or the combined notice shall be mailed to all persons interested in the estate of ~~said~~ the decedent at their respective last-known addresses not less than ten (10) days prior to the date of the hearing, and ~~said~~ the notice shall set forth a date by which final account and petition for distribution will be filed. The date of ~~said~~ the filing shall precede by at least five (5) days the order allowing final accounting, determination of heirs, and of legatees and devisees, if any, and distribution.

D. The matter shall be set for hearing not less than thirty-five (35) days following the first publication of notice to creditors or combined notice, and upon ~~such~~ the hearing the court shall, after proof of payment of funeral expenses, expenses of last

sickness and of administration and allowed claims, issue an order allowing ~~such~~ the final accounting, determining heirship and the legatees and devisees, if any, of ~~said~~ the decedent, distributing the property of ~~said~~ the estate and discharging the personal representative and surety or sureties on the personal representative's bond, or defer such discharge if in the discretion of the court such deferral is necessary or desirable.

SECTION 2. This act shall become effective November 1, 2004.

Passed the House of Representatives the 16th day of February, 2004.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2004.

Presiding Officer of the Senate