

**EHB 1872**

**THE STATE SENATE**  
**Wednesday, March 17, 2004**

**ENGROSSED**

**House Bill No. 1872**

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,

1 does not exceed ~~Sixty Thousand Dollars (\$60,000.00)~~ One Hundred  
2 Fifty Thousand Dollars (\$150,000.00), and upon application of the  
3 personal representative, the court shall dispense with the regular  
4 proceedings or any part thereof prescribed by law, and the court  
5 shall order notice to creditors, and issue order for hearing upon  
6 the final accounting and petition for determination of heirship,  
7 distribution and discharge; provided, nothing herein shall affect  
8 the lien upon any property for any estate or transfer tax which may  
9 be due upon the estate of the decedent.

10 C. Notice to creditors and notice of hearing upon the final  
11 accounting and petition for determination of heirship, distribution  
12 and discharge shall be published once each week for two (2)  
13 consecutive weeks in some newspaper of general circulation,  
14 published in the county where the probate is filed, ~~or, where there~~  
15 ~~is no newspaper published in the county, posted in three public~~  
16 ~~places in said county, one of which shall be the county courthouse.~~  
17 If there is no legal newspaper in a county, then all such notices  
18 required by this subsection shall be published in a legal newspaper  
19 in an adjoining county having a legal newspaper. Notice to  
20 creditors and notice of hearing upon the final accounting,  
21 determination of heirship, distribution and discharge may be  
22 combined in one notice, referred to as a "combined notice". The  
23 notice to creditors or combined notice shall be mailed to creditors

1 of the decedent as provided in Sections 331 and 331.1 of this title.  
2 Creditors shall file claims against the estate with the personal  
3 representative or the attorney for personal representative within  
4 thirty (30) days after the publication of the notice. Notice of the  
5 hearing or the combined notice shall be mailed to all persons  
6 interested in the estate of ~~said~~ the decedent at their respective  
7 last-known addresses not less than ten (10) days prior to the date  
8 of the hearing, and ~~said~~ the notice shall set forth a date by which  
9 final account and petition for distribution will be filed. The date  
10 of ~~said~~ the filing shall precede by at least five (5) days the order  
11 allowing final accounting, determination of heirs, and of legatees  
12 and devisees, if any, and distribution.

13 D. The matter shall be set for hearing not less than  
14 thirty-five (35) days following the first publication of notice to  
15 creditors or combined notice, and upon ~~such~~ the hearing the court  
16 shall, after proof of payment of funeral expenses, expenses of last  
17 sickness and of administration and allowed claims, issue an order  
18 allowing ~~such~~ the final accounting, determining heirship and the  
19 legatees and devisees, if any, of ~~said~~ the decedent, distributing  
20 the property of ~~said~~ the estate and discharging the personal  
21 representative and surety or sureties on the personal  
22 representative's bond, or defer such discharge if in the discretion  
23 of the court such deferral is necessary or desirable.

1           SECTION 2. This act shall become effective November 1, 2004.  
2   COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 3-16-04 - DO  
3   PASS.