

THE HOUSE OF REPRESENTATIVES  
Wednesday, March 5, 2008

House Bill No. 2726

HOUSE BILL NO. 2726 - By: WINCHESTER of the House and BURRAGE of the Senate.

An Act relating to probate procedure; amending 58 O.S. 2001, Section 337, which relates to creditor claims against estates; modifying effect of failure to mail certain notice; providing when certain time period for limitation of actions begins; and providing an effective date.

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

1 SECTION 1. AMENDATORY 58 O.S. 2001, Section 337, is amended to read as  
2 follows:

3 Section 337. A. When a claim is presented to the personal representative, ~~he~~ the  
4 personal representative must endorse thereon ~~his~~ allowance or rejection, with the date  
5 thereof. If the personal representative allows the claim, it must be presented, with the  
6 date of such presentment noted thereon to the judge for ~~his~~ approval by the judge, who  
7 must, in the same manner, endorse upon it ~~his~~ allowance or rejection.

8 B. If the personal representative rejects the claim, in whole or in part, the personal  
9 representative shall mail a notice of such rejection to the creditor, by regular, first-class  
10 mail, to the creditor's address last-known to the personal representative, not later than  
11 five (5) days following the date of such partial or total rejection.

12 C. 1. If the personal representative refuses or neglects to endorse such allowance  
13 or rejection for thirty (30) days after the claim has been presented to him, ~~or refuses or~~

1 ~~neglects to mail a notice of rejection in accordance with the preceding sentence of this~~  
2 ~~section,~~ such refusal or neglect is equivalent to a rejection on the thirtieth day after  
3 presentment of the claim to the personal representative, regardless of the date on which  
4 the claim may have been actually rejected in whole or in part.

5 2. If the judge refuses or neglects to endorse ~~his~~ allowance or rejection on a claim,  
6 allowed by the personal representative, within thirty (30) days after the claim is  
7 presented to the judge, such refusal or neglect is equivalent to a rejection on the thirtieth  
8 day after presentment of the claim to the judge.

9 D. If the claim be presented to the personal representative before the expiration of  
10 the time limited for the presentation of claims, the same is presented in time, though  
11 acted upon by the personal representative and/or by the judge after the expiration of  
12 such time.

13 E. A claim presented to the personal representative at the personal  
14 representative's place of residence or business or at the personal representative's  
15 attorney's place of business prior to first publication of the notice shall be considered  
16 validly presented, shall be deemed to have been presented on the date of first publication  
17 of the notice and shall not be acted upon by the personal representative prior to such  
18 date, and the personal representative shall not be required to give notice to such creditor  
19 by mail, other than notice of rejection if the claim is rejected in whole or in part to the  
20 creditor who presented such claim.

21 F. 1. If the personal representative rejects a claim, in whole or in part, but refuses  
22 or neglects to mail a notice of the rejection not later than five (5) days following the date

1 of partial or total rejection as required in paragraph B of this section, the forty-five-day  
2 time period for limitation of actions as specified in Section 339 of this title shall not begin  
3 until the personal representative has mailed notice of rejection to the creditor by regular,  
4 first-class mail to the creditor's last-known address.

5 2. If the treatment of any claim by the personal representative or judge is deemed  
6 equivalent to a rejection, as described in paragraph 1 or 2 of subsection C of this section,  
7 the forty-five-day time period for limitation of actions specified in Section 339 of this title  
8 shall not begin until the personal representative has mailed notice of the deemed  
9 rejection to the creditor by regular, first-class mail to the creditor's last-known address.

10

11 SECTION 2. This act shall become effective November 1, 2008.

12 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY,  
13 dated 03-04-08 - DO PASS, As Coauthored.

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.