

EHB 2726

1 THE STATE SENATE  
2 Thursday, April 3, 2008

3 ENGROSSED

4 House Bill No. 2726

5 As Amended

6 ENGROSSED HOUSE BILL NO. 2726 - By: Winchester of the House and  
7 Burrage of the Senate.

8 [ probate procedure - estates - notice - effective date ]

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

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

12 Section 337. A. When a claim is presented to the personal  
13 representative, ~~he~~ the personal representative must endorse thereon  
14 ~~his~~ allowance or rejection, with the date thereof. If the personal  
15 representative allows the claim, it must be presented, with the date  
16 of such presentment noted thereon to the judge for ~~his~~ approval by  
17 the judge, who must, in the same manner, endorse upon it ~~his~~  
18 allowance or rejection.

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

1        C. 1. If the personal representative refuses or neglects to  
2 endorse such allowance or rejection for thirty (30) days after the  
3 claim has been presented to him, ~~or refuses or neglects to mail a~~  
4 ~~notice of rejection in accordance with the preceding sentence of~~  
5 ~~this section,~~ such refusal or neglect is equivalent to a rejection  
6 on the thirtieth day after presentment of the claim to the personal  
7 representative, regardless of the date on which the claim may have  
8 been actually rejected in whole or in part.

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

14        D. If the claim be presented to the personal representative  
15 before the expiration of the time limited for the presentation of  
16 claims, the same is presented in time, though acted upon by the  
17 personal representative and/or by the judge after the expiration of  
18 such time.

19        E. A claim presented to the personal representative at the  
20 personal representative's place of residence or business or at the  
21 personal representative's attorney's place of business prior to  
22 first publication of the notice shall be considered validly  
23 presented, shall be deemed to have been presented on the date of

1 first publication of the notice and shall not be acted upon by the  
2 personal representative prior to such date, and the personal  
3 representative shall not be required to give notice to such creditor  
4 by mail, other than notice of rejection if the claim is rejected in  
5 whole or in part to the creditor who presented such claim.

6 F. 1. If the personal representative rejects a claim, in whole  
7 or in part, but refuses or neglects to mail a notice of the  
8 rejection not later than five (5) days following the date of partial  
9 or total rejection as required in paragraph B of this section, the  
10 forty-five-day time period for limitation of actions as specified in  
11 Section 339 of this title shall not begin until the personal  
12 representative has mailed notice of rejection to the creditor by  
13 regular, first-class mail to the creditor's last-known address.

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

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

22 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 4-1-08 - DO PASS  
23 As Amended.