

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SENATE BILL 1471

By: Bingman

4
5
6 AS INTRODUCED

7 An Act relating to probate procedure; amending 58
8 O.S. 2001, Section 25, which relates to hearing and
9 notice; deleting certain time limitation; and
10 providing an effective date.

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

12 SECTION 1. AMENDATORY 58 O.S. 2001, Section 25, is
13 amended to read as follows:

14 Section 25. When a petition for probate of a will is filed, the
15 court must fix a day for hearing the petition, not less than ten
16 (10) ~~nor more than thirty (30)~~ days from the date of filing of the
17 petition, and if the names and addresses of all heirs, legatees, and
18 devisees of the testator are known to the petitioner and are set out
19 in the petition, the court shall cause notice of such hearing to be
20 given as provided in Section 34 of this title, by mailing copies of
21 the notice to all heirs, legatees, and devisees, other than devisees
22 and legatees whose devises and bequests are conditioned upon another
23 named person's predeceasing the testator in accordance with terms
24 stated in the will and such named person did not predecease the

1 | testator in accordance with terms stated in the will, postage
2 | prepaid, at their last-known place of residence not less than ten
3 | (10) days prior to the date of the hearing; provided, however, if
4 | the name or address of one or more heirs, legatees, or devisees of
5 | the testator is not known to the petitioner, or if one or more
6 | heirs, legatees, or devisees of the testator are alleged to have
7 | survived the testator but died prior to the filing of the petition
8 | and the petitioner alleges that he knows of no personal
9 | representative for the decedents' estates, notice of the hearing of
10 | the petition shall be given by mailing, as above provided, and, in
11 | addition thereto, the notice shall be published in one issue of a
12 | newspaper, and in such case the hearing shall not be less than ten
13 | (10) days from the date of publication of the notice. For purposes
14 | of this section, if a legatee or devisee is the trustee of an
15 | express trust or testamentary trust, notice need be given only to
16 | the trustee and not to the beneficiaries of the trust unless the
17 | beneficiaries are otherwise entitled to notice as heirs or as
18 | legatees or devisees of property not devised or bequeathed to the
19 | trust.

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

21

22 | 51-2-2980 TEK 1/22/2008 9:25:26 PM

23

24