

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 2203 By: Crain of the Senate

3 and
4 Sullivan of the House
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7 (probate procedure - court-appointed fiduciary and
8 attorney-in-fact -
9 effective date)

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12 AMENDMENT NO. 1. Strike the stricken title, enacting clause and
13 entire bill and insert

14 "An Act relating to probate procedure; amending 58
15 O.S. 2001, Section 1074, which relates to court-
16 appointed fiduciary and attorney-in-fact; providing
for termination of attorney-in-fact under certain
circumstances; and providing an effective date.

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

20 SECTION 1. AMENDATORY 58 O.S. 2001, Section 1074, is
21 amended to read as follows:

22 Section 1074. A. If, following execution of a durable power of
23 attorney, a court of the principal's domicile appoints a
24 conservator, guardian of the estate, or other fiduciary charged with

1 the management of all of the principal's property or all of his
2 property except specified exclusions, the attorney-in-fact ~~is~~
3 ~~accountable to the fiduciary as well as to the principal. The~~
4 ~~fiduciary has the same power to revoke or amend the power of~~
5 ~~attorney that the principal would have had if he were not disabled~~
6 ~~or incapacitated, upon notice of such appointment, shall terminate.~~

7 B. A principal may nominate, by a durable power of attorney,
8 the conservator, guardian of his estate, or guardian of his person
9 for consideration by the court if protective proceedings for the
10 principal's person or estate are thereafter commenced. The court
11 shall make its appointment in accordance with the principal's most
12 recent nomination in a durable power of attorney except for good
13 cause or disqualification. In the event such appointment is made by
14 the court, upon notice, the attorney-in-fact shall terminate.

15 SECTION 2. This act shall become effective November 1, 2010."
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1 Passed the House of Representatives the 12th day of April, 2010.

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4 Presiding Officer of the House of
Representatives

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6 Passed the Senate the ____ day of _____, 2010.

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9 Presiding Officer of the Senate