

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 2203

By: Crain of the Senate

and

Sullivan of the House

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9 COMMITTEE SUBSTITUTE

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

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

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

18 Section 1074. A. If, following execution of a durable power of
19 attorney, a court of the principal's domicile appoints a
20 conservator, guardian of the estate, or other fiduciary charged with
21 the management of all of the principal's property or all of his
22 property except specified exclusions, the attorney-in-fact ~~is~~
23 ~~accountable to the fiduciary as well as to the principal. The~~
24 ~~fiduciary has the same power to revoke or amend the power of~~

1 ~~attorney that the principal would have had if he were not disabled~~
2 ~~or incapacitated, upon notice of such appointment, shall terminate.~~

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

11 SECTION 2. This act shall become effective November 1, 2010.

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