

1 ENGROSSED HOUSE  
2 BILL NO. 1319

By: Shoemake of the House

and

Ballenger of the Senate

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7 An Act relating to probate procedure; amending 58  
8 O.S. 2001, Section 393, as amended by Section 1,  
9 Chapter 417, O.S.L. 2004 (58 O.S. Supp. 2008, Section  
10 393), which relates to the payment of certain debts  
11 or the transfer of certain interests to a decedent's  
12 successor; adding mineral interests to items  
13 transferable upon presentment of an affidavit;  
14 requiring county court clerks to accept certain  
15 affidavits as conveyances; and providing an effective  
16 date.

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

18 SECTION 1. AMENDATORY 58 O.S. 2001, Section 393, as  
19 amended by Section 1, Chapter 417, O.S.L. 2004 (58 O.S. Supp. 2008,  
20 Section 393), is amended to read as follows:

21 Section 393. A. At any time ten (10) or more days after the  
22 date of death of a decedent, any person indebted to the decedent or  
23 having possession of tangible personal property or an instrument  
24 evidencing a debt, obligation, stock, chose in action, or stock  
brand, or having authority to convey an interest in minerals located  
in the state belonging to the decedent shall make payment of the  
indebtedness ~~or~~, shall deliver the tangible personal property or an

1 instrument evidencing a debt, obligation, stock, chose in action, or  
2 stock brand, or shall convey the mineral interest to a person  
3 claiming to be the successor of the decedent upon being presented an  
4 affidavit, with specific property descriptions if appropriate, made  
5 by or on behalf of the successor stating that:

6 1. The fair market value of property or mineral interest  
7 located in this state owned by the decedent and subject to  
8 disposition by will or intestate succession at the time of the  
9 decedent's death, less liens and encumbrances, does not exceed  
10 Twenty Thousand Dollars (\$20,000.00);

11 2. No application or petition for the appointment of a personal  
12 representative is pending or has been granted in any jurisdiction;

13 3. Each claiming successor is entitled to payment or delivery  
14 of the property or interest in the respective proportions set forth  
15 in the affidavit; and

16 4. All taxes and debts of the estate have been paid or  
17 otherwise provided for or are barred by limitations.

18 B. A transfer agent of any security shall change the registered  
19 ownership on the books of a corporation from the decedent to the  
20 successor or successors upon the presentation of an affidavit as  
21 provided in subsection A of this section.

22 C. The public official having cognizance over the registered  
23 title of any personal property of the decedent shall change the  
24 registered ownership from the decedent to the successor or

1 successors upon the presentation of an affidavit as provided in  
2 subsection A of this section.

3 D. The county clerk of each county in which the decedent owned  
4 any mineral interest shall accept and record the affidavit provided  
5 in subsection A of this section as a valid conveyance of record  
6 title.

7 SECTION 2. This act shall become effective November 1, 2009.

8 Passed the House of Representatives the 4th day of March, 2009.

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Presiding Officer of the House of  
Representatives

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Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2009.

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Presiding Officer of the Senate

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