

1 ENGROSSED SENATE
2 BILL NO. 1287

By: Burrage of the Senate
and
Sherrer of the House

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7 An Act relating to probate procedure; amending 58
8 O.S. 2001, Section 239, which relates to petition and
9 consent; adding persons to consent to certain orders;
10 and 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 239, is
13 amended to read as follows:

14 Section 239. A. After the appointment of the personal
15 representative, and, provided that a determination of the identities
16 of the heirs, devisees and legatees of the decedent has been made
17 pursuant to the provisions of Section 240 of this title, and upon
18 the filing of a petition or application, the petition to be
19 accompanied by acknowledged, written consents by all heirs, devisees
20 and legatees, other than contingent devisees and legatees, ~~and~~
21 persons authorized to act on behalf of any heir, devisee or legatee
22 under any legal disability, and personal representatives of the
23 estate of any deceased heir, devisee or legatee, the court may enter
24 an order:

1 1. Authorizing the personal representative to sell, grant,
2 lease, mortgage or encumber any real or personal property including
3 mineral interests, and to execute and issue deeds, leases, bills of
4 sale, notes, mortgages, easements and other documents of conveyance,
5 without further judicial authorization or a return of sale or
6 confirmation of such sale or transaction. Any sale or transaction
7 so authorized shall pass title to the purchaser without being
8 confirmed by the court, notwithstanding any statutory provision to
9 the contrary; or

10 2. Waiving the filing of any accounting specified in the
11 consents of the persons herein named, or waiving the necessity for
12 presentation to the court for approval of any such accounting.

13 B. Waivers or consents may be withdrawn at any time and
14 thereafter all acts shall be in accordance with regular statutory
15 procedures. A withdrawal of a waiver or consent shall be effected
16 by filing a written statement of withdrawal with the court clerk and
17 by serving a certified copy on the personal representative or the
18 attorney for the personal representative by certified mail.

19 C. Notwithstanding the foregoing, if the petition or
20 application is filed after three (3) months from the date of
21 admission of the will to probate, and no appeal of the admission of
22 the will is pending nor has any contest to admission of the will to
23 probate been filed after admission of the will to probate, and if
24 the will contains a residuary disposition clause, then the consents

1 of heirs who are neither devisees ~~or~~ nor legatees shall not be
2 required.

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

4 Passed the Senate the 16th day of February, 2010.

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Presiding Officer of the Senate

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8 Passed the House of Representatives the ____ day of _____,

9 2010.

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Presiding Officer of the House
of Representatives

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