

1 ENGROSSED SENATE
2 BILL NO. 2203

By: Crain of the Senate

3 and

4 Sullivan of the House

5
6
7 [probate procedure - court-appointed fiduciary and
8 attorney-in-fact -

9 effective date]

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

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

14 Section 1074. A. If, following execution of a durable power of
15 attorney, a court of the principal's domicile appoints a
16 conservator, guardian of the estate, or other fiduciary charged with
17 the management of all of the principal's property or all of his
18 property except specified exclusions, the attorney-in-fact ~~is~~
19 ~~accountable to the fiduciary as well as to the principal. The~~
20 ~~fiduciary has the same power to revoke or amend the power of~~
21 ~~attorney that the principal would have had if he were not disabled~~
22 ~~or incapacitated, upon notice of such appointment, shall terminate.~~

23 B. A principal may nominate, by a durable power of attorney,
24 the conservator, guardian of his estate, or guardian of his person

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

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

8 Passed the Senate the 25th day of February, 2010.

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10 _____
11 Presiding Officer of the Senate

12 Passed the House of Representatives the ____ day of _____,
13 2010.

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16 Presiding Officer of the House
17 of Representatives
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