

ENROLLED SENATE
BILL NO. 2203

By: Crain of the Senate

and

Sullivan of the House

An Act relating to probate procedure; amending 58 O.S. 2001, Section 1074, which relates to court-appointed fiduciary and attorney-in-fact; making language gender neutral; providing for termination of durable power of attorney under certain circumstances; and providing an effective date.

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

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

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

B. A principal may nominate, by a durable power of attorney, the conservator, guardian of his or her estate, or guardian of his or her person for consideration by the court if protective proceedings for the principal's person or estate are thereafter

commenced. The court shall make its appointment in accordance with the principal's most recent nomination in a durable power of attorney except for good cause or disqualification. In the event such appointment is made by the court, upon notice, the durable power of attorney shall terminate.

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

Passed the Senate the 19th day of May, 2010.

Presiding Officer of the Senate

Passed the House of Representatives the 24th day of May, 2010.

Presiding Officer of the House
of Representatives