

THE HOUSE OF REPRESENTATIVES  
Wednesday, March 24, 2010

ENGROSSED  
Senate Bill No. 1287

ENGROSSED SENATE BILL NO. 1287 - By: BURRAGE of the Senate and SHERRER of the House.

An Act relating to probate procedure; amending 58 O.S. 2001, Section 239, which relates to petition and consent; adding persons to consent to certain orders; and providing an effective date.

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

1 SECTION 1. AMENDATORY 58 O.S. 2001, Section 239, is amended to read as  
2 follows:

3 Section 239. A. After the appointment of the personal representative, and,  
4 provided that a determination of the identities of the heirs, devisees and legatees of the  
5 decedent has been made pursuant to the provisions of Section 240 of this title, and upon  
6 the filing of a petition or application, the petition to be accompanied by acknowledged,  
7 written consents by all heirs, devisees and legatees, other than contingent devisees and  
8 legatees, ~~and~~ persons authorized to act on behalf of any heir, devisee or legatee under  
9 any legal disability, and personal representatives of the estate of any deceased heir,  
10 devisee or legatee, the court may enter an order:

11 1. Authorizing the personal representative to sell, grant, lease, mortgage or  
12 encumber any real or personal property including mineral interests, and to execute and

1 issue deeds, leases, bills of sale, notes, mortgages, easements and other documents of  
2 conveyance, without further judicial authorization or a return of sale or confirmation of  
3 such sale or transaction. Any sale or transaction so authorized shall pass title to the  
4 purchaser without being confirmed by the court, notwithstanding any statutory provision  
5 to the contrary; or

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

9 B. Waivers or consents may be withdrawn at any time and thereafter all acts shall  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

14 C. Notwithstanding the foregoing, if the petition or application is filed after three  
15 (3) months from the date of admission of the will to probate, and no appeal of the  
16 admission of the will is pending nor has any contest to admission of the will to probate  
17 been filed after admission of the will to probate, and if the will contains a residuary  
18 disposition clause, then the consents of heirs who are neither devisees ~~or~~ nor legatees  
19 shall not be required.

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

21 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 03-23-10 - DO PASS.