

THE HOUSE OF REPRESENTATIVES  
Monday, February 23, 2009

House Bill No. 1319

HOUSE BILL NO. 1319 - By: SHOEMAKE of the House.

An Act relating to probate procedure; amending 58 O.S. 2001, Section 393, as amended by Section 1, Chapter 417, O.S.L. 2004 (58 O.S. Supp. 2008, Section 393), which relates to the payment of certain debts or the transfer of certain interests to a decedent's successor; adding mineral interests to items transferable upon presentment of an affidavit; requiring county court clerks to accept certain affidavits as conveyances; 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 393, as amended by  
2 Section 1, Chapter 417, O.S.L. 2004 (58 O.S. Supp. 2008, Section 393), is amended to  
3 read as follows:

4 Section 393. A. At any time ten (10) or more days after the date of death of a  
5 decedent, any person indebted to the decedent or having possession of tangible personal  
6 property or an instrument evidencing a debt, obligation, stock, chose in action, or stock  
7 brand, or having authority to convey an interest in minerals located in the state  
8 belonging to the decedent shall make payment of the indebtedness ~~or~~, shall deliver the  
9 tangible personal property or an instrument evidencing a debt, obligation, stock, chose in  
10 action, or stock brand, or shall convey the mineral interest to a person claiming to be the  
11 successor of the decedent upon being presented an affidavit, with specific property  
12 descriptions if appropriate, made by or on behalf of the successor stating that:

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

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

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

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

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

14 C. The public official having cognizance over the registered title of any personal  
15 property of the decedent shall change the registered ownership from the decedent to the  
16 successor or successors upon the presentation of an affidavit as provided in subsection A  
17 of this section.

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

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

22 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02-19-09 - DO PASS.