

EHB 1319

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

THE STATE SENATE
Wednesday, March 31, 2010

ENGROSSED

House Bill No. 1319

ENGROSSED HOUSE BILL NO. 1319 - By: Shoemake of the House and
Ballenger of the Senate.

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:

SECTION 1. AMENDATORY 58 O.S. 2001, Section 393, as
amended by Section 1, Chapter 417, O.S.L. 2004 (58 O.S. Supp. 2008,
Section 393), is amended to read as follows:

Section 393. A. At any time ten (10) or more days after the
date of death of a decedent, any person indebted to the decedent or
having possession of tangible personal property or an instrument
evidencing a debt, obligation, stock, chose in action, or stock
brand, or having authority to convey an interest in minerals located
in the state belonging to the decedent shall make payment of the
indebtedness ~~or~~, shall deliver the tangible personal property or an
instrument evidencing a debt, obligation, stock, chose in action, or
stock brand, or shall convey the mineral interest to a person

1 claiming to be the successor of the decedent upon being presented an
2 affidavit, with specific property descriptions if appropriate, made
3 by or on behalf of the successor stating that:

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

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

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

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

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

20 C. The public official having cognizance over the registered
21 title of any personal property of the decedent shall change the
22 registered ownership from the decedent to the successor or

1 successors upon the presentation of an affidavit as provided in
2 subsection A of this section.

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

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

8 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 3-30-10 - DO
9 PASS.