

3 Senate Bill No. 2201

4 SENATE BILL NO. 2201 - By: Anderson of the Senate and Hickman of the  
5 House.

6 An Act relating to probate procedure; amending 58 O.S. 2001,  
7 Sections 931 and 961, which relate to easements and leases;  
8 allowing certain persons to enter into certain contracts;  
9 authorizing certain persons to lease property for certain  
10 purposes; and providing an effective date.

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

12 SECTION 1. AMENDATORY 58 O.S. 2001, Section 931, is  
13 amended to read as follows:

14 Section 931. That administrators and executors of the estates  
15 of deceased persons and the guardians of estates, minors and  
16 incompetent persons are hereby authorized to enter into contracts  
17 with pipeline companies, corporations, conservancy districts,  
18 individuals or partnerships or the State of Oklahoma or any  
19 subdivision thereof or any municipal corporation, for the  
20 construction, operation and maintenance of party walls, pipelines,  
21 transmission lines, upstream flood-control dams and lakes, or to  
22 enter into contracts with companies, corporations, individuals,  
23 partnerships, the State of Oklahoma or any subdivision thereof, or  
24 any municipal corporation for the construction, operation and  
25 maintenance of wind energy conversion systems, state or county  
26 highways, and to sell and dispose of an easement under said contract

1 for said purposes, upon and across the lands or any interest therein  
2 belonging to the estates of deceased persons and of minors and  
3 incompetents, upon such terms and conditions that said  
4 administrators, executors or guardians of such persons may deem  
5 reasonable and equitable, and for the best interest of said estates  
6 of deceased persons, minors and incompetents.

7 SECTION 2. AMENDATORY 58 O.S. 2001, Section 961, is  
8 amended to read as follows:

9 Section 961. When they shall deem it necessary, in order to  
10 preserve the value of such property, or its rental value,  
11 administrators, administrators with will annexed and executors of  
12 deceased persons, and guardians of minors or incompetent persons may  
13 lease or extend existing leases as to business property, or property  
14 to be improved for business purposes, or property used for wind  
15 energy conversion, belonging to the estate of said deceased persons,  
16 minor or incompetent person, for a term of not more than fifteen  
17 (15) years, with the approval of the district court administering  
18 said estate of such deceased person, or minor or incompetent person.  
19 In order to obtain said approval said administrator, administrator  
20 with will annexed, executor or guardian shall file in said district  
21 court a petition setting out the general nature of the property  
22 desired to be leased, or upon which the lease is desired to be  
23 extended, and the facts relative to the necessity of such lease for

1 the preservation of the value of said property, or its rental value.  
2 The heirs, devisees and legatees of said deceased person and the  
3 next of kin of said minor or incompetent person are designated as  
4 persons interested in the estate and are entitled to be heard with  
5 respect to such proposed leasing. Provided, if the will of such  
6 deceased person shall authorize the executor or administrator with  
7 will annexed to sell the property of said decedent such authority  
8 shall be considered to include and extend the power to lease said  
9 property and further compliance with this act shall not be  
10 necessary.

11 SECTION 3. This act shall become effective November 1, 2010.

12 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-9-10 - DO PASS,  
13 As Coauthored.