

SB 989

Senate Bill No. 989
As Amended

SENATE BILL NO. 989 - By: Anderson of the Senate and Enns of the House.

[probate procedure - administrators - codification - effective date]

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

SECTION 1. AMENDATORY 58 O.S. 2001, Section 126, is amended to read as follows:

Section 126. No person is competent to serve as administrator ~~or administratrix~~, who, when appointed, is:

- 1. Under the age of majority;i
- 2. Convicted of an infamous crime;i
- 3. Adjudged by the court incompetent to execute the duties of the trust by reason of drunkenness, improvidence or want of understanding or integrity; or

4. Subject to a conflict of interest which, as determined by the court in its discretion, would likely preclude such person from fully performing his or her duties as administrator.

SECTION 2. AMENDATORY 58 O.S. 2001, Section 214, is amended to read as follows:

1 Section 214. Before any letters issued to any special
2 administrator, ~~he must~~ the administrator shall give bond, in such
3 sum as the judge may direct, with sureties to the satisfaction of
4 the judge, conditioned for the faithful performance of ~~his~~ the
5 administrator's duties, unless the court determines that no bond is
6 necessary; and ~~he must~~ such administrator shall take the usual oath
7 and have the same endorsed on his or her letters.

8 SECTION 3. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 528 of Title 58, unless there is
10 created a duplication in numbering, reads as follows:

11 If the court determines that the services rendered by an
12 attorney for a beneficiary of a decedent's estate, whether in a will
13 contest or otherwise, have benefitted the estate as a whole or other
14 beneficiaries not represented by the attorney, the court may award
15 reasonable attorney fees for such services to be charged against the
16 estate or distributive shares of the other beneficiaries who were
17 benefitted by such services. For purposes of this section, the
18 court may determine that the attorney's services have benefitted the
19 estate as a whole or other beneficiaries even though such services
20 have not resulted in increasing the assets of the decedent's estate.

21 SECTION 4. This act shall become effective November 1, 2009.

22 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-17-09 - DO
23 PASS, As Amended and Coauthored.