

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 1319

By: Shoemake

4
5 AS INTRODUCED

6 An Act relating to probate procedure; amending 58
7 O.S. 2001, Section 393, as amended by Section 1,
8 Chapter 417, O.S.L. 2004 (58 O.S. Supp. 2008, Section
9 393), which relates to the payment of certain debts
10 or the transfer of certain interests to a decedent's
11 successor; adding mineral interests to items
transferable upon presentment of an affidavit;
12 requiring county court clerks to accept certain
13 affidavits as conveyances; and providing an effective
date.

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

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

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

1 instrument evidencing a debt, obligation, stock, chose in action, or
2 stock brand, or shall convey the mineral interest to a person
3 claiming to be the successor of the decedent upon being presented an
4 affidavit, with specific property descriptions if appropriate, made
5 by or on behalf of the successor stating that:

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

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

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

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

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

22 C. The public official having cognizance over the registered
23 title of any personal property of the decedent shall change the
24 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.

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