

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 SENATE BILL 2203

By: Crain

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6 AS INTRODUCED

7 An Act relating to probate procedure; amending 58
8 O.S. 2001, Section 1074, which relates to court-
9 appointed fiduciary and attorney-in-fact; providing
for termination of attorney-in-fact under certain
circumstances; and providing an effective date.

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

13 SECTION 1. AMENDATORY 58 O.S. 2001, Section 1074, is
14 amended to read as follows:

15 Section 1074. A. If, following execution of a durable power of
16 attorney, a court of the principal's domicile appoints a
17 conservator, guardian of the estate, or other fiduciary charged with
18 the management of all of the principal's property or all of his
19 property except specified exclusions, the attorney-in-fact ~~is~~
20 ~~accountable to the fiduciary as well as to the principal. The~~
21 ~~fiduciary has the same power to revoke or amend the power of~~
22 ~~attorney that the principal would have had if he were not disabled~~
23 ~~or incapacitated, upon notice of such appointment, shall terminate.~~

1 B. A principal may nominate, by a durable power of attorney,
2 the conservator, guardian of his estate, or guardian of his person
3 for consideration by the court if protective proceedings for the
4 principal's person or estate are thereafter commenced. The court
5 shall make its appointment in accordance with the principal's most
6 recent nomination in a durable power of attorney except for good
7 cause or disqualification. In the event such appointment is made by
8 the court, upon notice, the attorney-in-fact shall terminate.

9 SECTION 2. This act shall become effective November 1, 2010.

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