

1 STATE OF OKLAHOMA

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

3 SENATE BILL 989

By: Anderson

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5  
6 AS INTRODUCED

7 An Act relating to probate procedure; amending 58  
8 O.S. 2001, Sections 126 and 214, which relate to  
9 administrators; establishing incompetency to serve as  
10 administrator under certain circumstances; making  
11 language gender neutral; authorizing court to waive  
12 certain bond; allowing award of attorney fees under  
13 certain circumstances; providing for codification;  
14 and providing an effective date.

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

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

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

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

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

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

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

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

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

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

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