

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 HOUSE BILL 2860

By: Sherrer

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5
6 AS INTRODUCED

7 An Act relating to wills and succession; amending 84
8 O.S. 2011, Section 257, which relates to determining
9 succession or heirship; modifying procedure; updating
10 language; and providing an effective date.

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

12 SECTION 1. AMENDATORY 84 O.S. 2011, Section 257, is
13 amended to read as follows:

14 Section 257. A. This section shall apply:

15 1. Where any person dies intestate possessed of real property
16 in this state, or dies having devised pursuant to the law of this
17 state any real property in this state, in terms to "heirs",
18 "relations", "nearest relations", "representatives", "legal
19 representatives", "personal representatives", "family", "issues",
20 "descendants", "nearest of kin", or to persons by any other
21 description or designation which leaves at large the names or
22 individual identity of the particular person embraced therein; and

23 2. Where the period of one (1) or more years since the death of
24 such intestate or testator has elapsed without ~~their~~ there having

1 been a decree by the district court of the county having
2 jurisdiction to administer upon ~~his~~ the estate, wherein it was
3 judicially determined who, by name, are or were all the particular
4 persons entitled to participate in the distribution of such real
5 property under such devise or the law of succession, ~~or~~ where

6 3. Where the grantees indicated in any deed, or deed of patent
7 made and issued or designated as "the devisees," of "the heirs at
8 law" or "the legal representatives" of a named deceased person,
9 without naming them, or by any other description or designation
10 which leaves at large the names or individual identity of the
11 particular persons embraced therein, the name and individual
12 identity of each and all the persons who take or were entitled to
13 take such real property and the proportion or part thereof which
14 each takes or was entitled to take, immediately under such
15 testamentary devise, or grant, or the law of succession, ~~may be~~
16 ~~judicially determined and jurisdiction thereto invoked in the manner~~
17 ~~following:.~~

18 B. In any such instances wherein the action ~~which~~ relates to ~~or~~
19 ~~the subject matter of which is such real property, or for~~ it may be
20 ordered and jurisdiction is invoked:

21 1. For the determination in any form of any interest, right,
22 title or estate therein, held by any person; or ~~in which the relief~~
23 ~~demand consists wholly or partly in~~

24

1 2. For the determination excluding the defendants or any of
2 them from any interest, right, title or estate therein, ~~the.~~

3 C. The plaintiff may allege, among other things, in ~~his~~ the
4 petition, the facts showing such testamentary devise, ~~or~~ grant of,
5 or intestate succession ~~to, such~~ of specific real property, ~~and to~~
6 the named defendants (regardless of whether they or any of them be
7 living or dead). As to the defendants, the plaintiff shall set
8 forth the names as ~~he~~ the plaintiff is informed and believes, all of
9 the devisees, or grantees, or heirs at law, ~~as the case may be,~~ who
10 take or were entitled to take such real property and the proportion
11 or part which each takes or was entitled to take ~~therein,~~
12 ~~immediately~~ under such devise, ~~or~~ grant, or intestate succession,
13 ~~and he.~~ The plaintiff may make all such devisees, ~~or~~ grantees, or
14 heirs at law, or their heirs, executors, administrators, devisees,
15 trustees and assigns, parties defendant in such action under the
16 description, and have service of notice by publication upon them
17 under such description, to-wit: "The heirs, executors,
18 administrators, devisees, trustees and assigns, of _____
19 deceased." ~~(Naming such testator, or intestate, or the person~~
20 ~~stated in such deed or patent to be deceased, as the case may be.)~~

21 SECTION 2. This act shall become effective November 1, 2014.

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23 54-2-8624 EK 01/13/14
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