

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1330

By: Ivester

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6 AS INTRODUCED

7 An Act relating to probate procedure; amending 58
8 O.S. 2011, Section 246, as amended by Section 2,
9 Chapter 144, O.S.L. 2013 (58 O.S. Supp. 2013, Section
10 246), which relates to petition for summary
11 administration; clarifying certain time period; and
12 providing an effective date.

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

14 SECTION 1. AMENDATORY 58 O.S. 2011, Section 246, as
15 amended by Section 2, Chapter 144, O.S.L. 2013 (58 O.S. Supp. 2013,
16 Section 246), is amended to read as follows:

17 Section 246. A. Upon the filing of the petition and combined
18 notice, the court shall dispense with the regular estate proceedings
19 prescribed by law and the court shall order notice to creditors and
20 issue an order granting final hearing upon the petition for
21 admission of the will, if any, to probate, the petition for summary
22 administration, the final accounting, and the petition for
23 determination of heirship, distribution and discharge. However,
24 nothing in this section shall affect the lien upon any property for

1 any estate or transfer tax which may be due upon the estate of the
2 decedent.

3 B. Notice to creditors and notice of hearing upon the petition
4 for summary administration and the final accounting, determination
5 of heirship, and distribution and discharge shall be combined into
6 one notice, referred to as a "combined notice". Combined notice
7 shall be filed at the same time the petition for summary
8 administration is filed. The combined notice shall set forth the
9 following:

- 10 1. The name, address, and date of death of the decedent;
- 11 2. The name and address of the petitioner;
- 12 3. Whether a will exists;
- 13 4. The name and address of the personal representative, if
14 specified;
- 15 5. The name and address of the heirs or devisees;
- 16 6. The total value of the estate of the decedent as set forth
17 in the petition;
- 18 7. The date, time and place of the final hearing;
- 19 8. That the person receiving the notice or any interested party
20 may file objections to the petition at any time before the final
21 hearing and send a copy to the petitioner or that person will be
22 deemed to have waived any objections to the petition;
- 23 9. That if an objection is filed before the hearing, the court
24 will determine at the hearing whether the will attached to the

1 petition shall be admitted to probate, whether summary proceedings
2 are appropriate and, if so, whether the estate will be distributed
3 and to whom the estate will be distributed; and

4 10. The claim of any creditor not shown in the petition will be
5 barred unless the claim is presented to the personal representative
6 no more than thirty (30) days following the filing of the petition
7 and combined notice.

8 C. Within ten (10) days of filing of the petition and combined
9 notice, notice of the petition, notice to creditors, and notice of
10 final accounting, determination of heirship, distribution and
11 discharge shall be published once each week for two (2) consecutive
12 weeks in a newspaper that is authorized by law to publish legal
13 notices and that is published in the county where the petition is
14 filed. If no newspaper authorized by law to publish legal notices
15 is published in the county, the notice shall be posted in three
16 public places in the county, one of which shall be the county
17 courthouse. Within ten (10) days of filing of the petition and
18 combined notice, the combined notice shall be mailed to creditors of
19 the decedent as provided in Sections 331 and 331.1 of this title.
20 Within ten (10) days of filing of the petition and combined notice,
21 the combined notice shall be mailed to all persons interested in the
22 estate of the decedent at their respective last-known addresses.

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1 D. The matter shall be set for final hearing not less than
2 forty-five (45) days following the filing of the petition and
3 combined notice.

4 E. If there is a defect in notice or in the form of the
5 petition or if objections are filed, or for other good cause shown,
6 the hearing may be postponed to a date certain.

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

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