

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 874

By: Anderson of the Senate

3 and

4 Caldwell of the House

5  
6  
7 [ probate procedure - payment or delivery of property  
8 to successor by affidavit - effective date ]  
9

10 AUTHOR: Add the following House Coauthor: Sherrer

11 AMENDMENT NO. 1. Strike the stricken title, enacting clause and  
12 entire bill and insert

13 "An Act relating to probate procedure; amending 58  
14 O.S. 2011, Section 393, which relates to payment or  
15 delivery of property to successor by affidavit;  
16 increasing limitation on valuation of property for  
17 certain affidavit; and providing an effective date.

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

19 SECTION 1. AMENDATORY 58 O.S. 2011, Section 393, is  
20 amended to read as follows:

21 Section 393. A. At any time ten (10) or more days after the  
22 date of death of a decedent, any person indebted to the decedent or  
23 having possession of tangible personal property or an instrument  
24 evidencing a debt, obligation, stock, chose in action, or stock

1 brand belonging to the decedent shall make payment of the  
2 indebtedness or shall deliver the tangible personal property or an  
3 instrument evidencing a debt, obligation, stock, chose in action, or  
4 stock brand to a person claiming to be the successor of the decedent  
5 upon being presented an affidavit made by or on behalf of the  
6 successor stating that:

7 1. The fair market value of property located in this state  
8 owned by the decedent and subject to disposition by will or  
9 intestate succession at the time of the decedent's death, less liens  
10 and encumbrances, does not exceed ~~Twenty Thousand Dollars~~  
11 ~~(\$20,000.00)~~ Fifty Thousand Dollars (\$50,000.00);

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

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

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

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

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

1 registered ownership from the decedent to the successor or  
2 successors upon the presentation of an affidavit as provided in  
3 subsection A of this section.

4 D. At any time after the date of death of a person who was an  
5 owner of a severed mineral interest in real estate, any person who  
6 claims an interest, immediately or remotely, through the decedent  
7 may file with the county clerk of the county where the mineral  
8 interest is located an affidavit of death and heirship in compliance  
9 with subsection C of Section 67 of Title 16 of the Oklahoma  
10 Statutes. Pursuant to Sections 82 and 83 of Title 16 of the  
11 Oklahoma Statutes, there shall be a rebuttable presumption that the  
12 facts stated in the recorded affidavit are true as they relate to  
13 the severed mineral interest, the death of the decedent, and the  
14 relationships, family history and heirship stated therein.

15 SECTION 2. This act shall become effective November 1, 2016."

16 Passed the House of Representatives the 5th day of April, 2016.

17  
18  
19 \_\_\_\_\_  
Presiding Officer of the House of  
Representatives

20  
21 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2016.

22  
23  
24 \_\_\_\_\_  
Presiding Officer of the Senate

1 ENGROSSED SENATE  
2 BILL NO. 874

By: Anderson of the Senate

and

Caldwell of the House

3  
4  
5  
6 **[ probate procedure - payment or delivery of property**  
7 **to successor by affidavit - effective date ]**

8  
9 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

10 SECTION 1. AMENDATORY 58 O.S. 2011, Section 393, is  
11 amended to read as follows:

12 Section 393. A. At any time ten (10) or more days after the  
13 date of death of a decedent, any person indebted to the decedent or  
14 having possession of tangible personal property or an instrument  
15 evidencing a debt, obligation, stock, chose in action, or stock  
16 brand belonging to the decedent shall make payment of the  
17 indebtedness or shall deliver the tangible personal property or an  
18 instrument evidencing a debt, obligation, stock, chose in action, or  
19 stock brand to a person claiming to be the successor of the decedent  
20 upon being presented an affidavit made by or on behalf of the  
21 successor stating that:

22 1. The fair market value of property located in this state  
23 owned by the decedent and subject to disposition by will or  
24 intestate succession at the time of the decedent's death, less liens

1 and encumbrances, does not exceed ~~Twenty Thousand Dollars~~  
2 ~~(\$20,000.00)~~ One Hundred Thousand Dollars (\$100,000.00);

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

5 3. Each claiming successor is entitled to payment or delivery  
6 of the property in the respective proportions set forth in the  
7 affidavit; and

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

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

14 C. The public official having cognizance over the registered  
15 title of any personal property of the decedent shall change the  
16 registered ownership from the decedent to the successor or  
17 successors upon the presentation of an affidavit as provided in  
18 subsection A of this section.

19 D. At any time after the date of death of a person who was an  
20 owner of a severed mineral interest in real estate, any person who  
21 claims an interest, immediately or remotely, through the decedent  
22 may file with the county clerk of the county where the mineral  
23 interest is located an affidavit of death and heirship in compliance  
24 with subsection C of Section 67 of Title 16 of the Oklahoma

1 Statutes. Pursuant to Sections 82 and 83 of Title 16 of the  
2 Oklahoma Statutes, there shall be a rebuttable presumption that the  
3 facts stated in the recorded affidavit are true as they relate to  
4 the severed mineral interest, the death of the decedent, and the  
5 relationships, family history and heirship stated therein.

6 SECTION 2. This act shall become effective November 1, 2016.

7 Passed the Senate the 29th day of February, 2016.

8  
9 \_\_\_\_\_  
10 Presiding Officer of the Senate

11 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
12 2016.

13  
14 \_\_\_\_\_  
15 Presiding Officer of the House  
16 of Representatives  
17  
18  
19  
20  
21  
22  
23  
24