

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 COMMITTEE SUBSTITUTE
4 FOR
5 HOUSE BILL NO. 1149

By: Grau

6
7 COMMITTEE SUBSTITUTE

8 An Act relating to wills; amending 58 O.S. 2011,
9 Section 42, which relates to probate of wills;
10 requiring strict application of in terrorem clause if
11 will contest fails; barring specified defenses; 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 42, is
15 amended to read as follows:

16 Section 42. A. The district court, after hearing the evidence
17 on petitions for the probate of wills, must set forth its findings
18 of fact and conclusions of law in writing and render a judgment
19 based upon such findings, either admitting, or refusing to admit,
20 the will to probate. The judgment and the will must be recorded
21 where the will is admitted to probate.

22 B. In an action to contest a will, if the will contains an in
23 terrorem clause restricting or prohibiting a contest and the party
24 contesting the will does not prevail, the court shall strictly apply

1 the in terrorem clause, and it shall not be a defense that the
2 action was brought in good faith or with probable cause.

3 SECTION 2. This act shall become effective November 1, 2015.

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