

1 ENGROSSED HOUSE
2 BILL NO. 1149

By: Grau of the House

and

Sykes of the Senate

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7 An Act relating to wills; amending 58 O.S. 2011,
8 Section 42, which relates to probate of wills;
9 requiring strict application of in terrorem clause if
will contest fails; barring specified defenses; and
providing an effective date.

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

13 SECTION 1. AMENDATORY 58 O.S. 2011, Section 42, is
14 amended to read as follows:

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

21 B. In an action to contest a will, if the will contains an in
22 terrorem clause restricting or prohibiting a contest and the party
23 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.

4 Passed the House of Representatives the 2nd day of March, 2015.

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7 Presiding Officer of the House
8 of Representatives

9 Passed the Senate the ___ day of _____, 2015.

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12 Presiding Officer of the Senate