

1 ENGROSSED HOUSE  
2 BILL NO. 2395

By: Sherrer and Hoskin of the  
House

3 and

4 Anderson of the Senate  
5

6  
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.

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

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

15 Section 257. A. Where ~~any~~:

16 1. Any person dies intestate possessed of real property in this  
17 state, or dies having devised pursuant to the law of this state any  
18 real property in this state, in terms to "heirs," "relations,"  
19 "nearest relations," "representatives," "legal representatives,"  
20 "personal representatives," "family," "issues," "descendants,"  
21 "nearest of kin," or to persons by any other description or  
22 designation which leaves at large the names or individual identity  
23 of the particular person embraced therein, ; and ~~the~~  
24

1        2. The period of one (1) or more years since the death of such  
2        intestate or testator has elapsed without ~~their~~ there having been a  
3        decree by the district court of the county having jurisdiction to  
4        administer upon ~~his~~ the estate, wherein it was judicially determined  
5        who, by name, are or were all the particular persons entitled to  
6        participate in the distribution of such real property under such  
7        devise or the law of succession, or where the grantees in any deed,  
8        or deed of patent made and issued or designated as "the devisees,"  
9        of "the heirs-at-law" or "the legal representatives" of a named  
10       deceased person, without naming them, or by any other description or  
11       designation which leaves at large the names or individual identity  
12       of the particular persons embraced therein, the name and individual  
13       identity of each and all the persons who take or were entitled to  
14       take such real property and the proportion or part thereof which  
15       each takes or was entitled to take, immediately under such  
16       testamentary devise, or grant, or the law of succession, it may be  
17       judicially determined and jurisdiction thereto invoked ~~in the manner~~  
18       ~~following:~~ to adjudicate such succession.

19        B. In ~~any action~~ such actions which ~~relates~~ relate to or the  
20       subject matter ~~of which~~ is such real property, or for the  
21       determination in any form of any interest, right, title or estate  
22       therein, or in which the relief demanded consists wholly or partly  
23       in excluding the defendants or any of them from any interest, right,  
24       title or estate therein, the plaintiff may allege, among other

1 things, in ~~his~~ the petition, the facts showing such testamentary  
2 devise, or grant of, or intestate succession to, such real property,  
3 and (regardless of whether they or any of them be living or dead)  
4 the names as ~~he~~ the plaintiff is informed and believes, all of the  
5 devisees, or grantees, or heirs\_at\_law, as the case may be, who take  
6 or were entitled to take such real property and the proportion or  
7 part which each takes or was entitled to take therein, immediately  
8 under such devise, or grant, or intestate succession; ~~and he.~~

9 C. In such actions, the plaintiff may make all such devisees,  
10 or grantees, or heirs\_at\_law, their heirs, executors,  
11 administrators, devisees, trustees and assigns, parties defendant in  
12 such action under the description, and have service of notice by  
13 publication upon them under such description, to-wit: "The heirs,  
14 executors, administrators, devisees, trustees and assigns, of  
15 \_\_\_\_\_ deceased." ~~(Naming such testator, or intestate, or the~~  
16 ~~person stated in such deed or patent to be deceased, as the case may~~  
17 ~~be.)~~

18 SECTION 2. This act shall become effective November 1, 2016.  
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1 Passed the House of Representatives the 7th day of March, 2016.

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3 \_\_\_\_\_  
4 Presiding Officer of the House  
of Representatives

5 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2016.

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