

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

HOUSE BILL 2395

By: Sherrer

AS INTRODUCED

An Act relating to wills and succession; amending 84 O.S. 2011, Section 257, which relates to determining succession or heirship; modifying procedure; updating language; and providing an effective date.

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

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

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

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

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 heirsatlaw" 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.

19
20 55-2-8560 EK 12/28/15
21
22
23
24