

1 ENGROSSED SENATE
2 BILL NO. 64

By: Bice of the Senate

3 and

4 Osburn (Mike) of the House
5
6

7 An Act relating to affidavits of heirship; amending 6
8 O.S. 2011, Section 906, as amended by Section 1,
9 Chapter 291, O.S.L. 2012 (6 O.S. Supp. 2016, Section
10 906), which relates to transfer to known heirs;
11 increasing allowable amount of certain transfers by
12 banks or credit unions; amending 58 O.S. 2011,
13 Section 393, as amended by Section 1, Chapter 250,
14 O.S.L. 2016 (58 O.S. Supp. 2016, Section 393), which
15 relates to payment or delivery of property to
16 successor; establishing offense; imposing punishment
17 for certain violation; requiring certain restitution;
18 and providing an effective date.

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

20 SECTION 1. AMENDATORY 6 O.S. 2011, Section 906, as
21 amended by Section 1, Chapter 291, O.S.L. 2012 (6 O.S. Supp. 2016,
22 Section 906), is amended to read as follows:

23 Section 906. A. 1. When a deposit has been made in a bank or
24 credit union in the name of a sole individual without designation of
a payable-on-death beneficiary, upon the death of the sole owner of
the account if the amount of the aggregate deposits held in single
ownership accounts in the name of the deceased individual is ~~Twenty~~
~~Thousand Dollars (\$20,000.00)~~ Fifty Thousand Dollars (\$50,000.00) or

1 less, the bank or credit union may transfer the funds to the known
2 heirs of the deceased upon receipt of an affidavit sworn to by the
3 known heirs of the deceased which establishes jurisdiction and
4 relationship and states that the owner of the account left no will.
5 The affidavit shall be sworn to and signed by the known heirs of the
6 deceased and the same shall swear that the facts set forth in the
7 affidavit establishing jurisdiction, heirship and intestacy are true
8 and correct.

9 2. Upon the death of an individual who is the sole renter of a
10 safe deposit box in a bank or credit union, the bank or credit union
11 may open the box in the presence of all known heirs and transfer or
12 release the contents to such heirs upon receipt of an affidavit
13 which establishes jurisdiction and relationship to the deceased and
14 states that the renter of the safe deposit box left no will or that
15 the contents of the safe deposit box are the only known assets of
16 the deceased renter. The affidavit shall be sworn to and signed by
17 the known heirs of the deceased and the same shall swear that the
18 facts set forth in the affidavit establishing jurisdiction, heirship
19 and intestacy or that the contents of the safe deposit box are the
20 only asset of the deceased are true and correct. Every known heir
21 shall either be present in person or by a duly authorized agent. If
22 any known heir is unable to be physically present for the opening of
23 the box and transfer of the contents, such heir may appoint an agent
24 by executing authorization in writing in the following form: "I

1 hereby authorize (name of person) to act as my agent at the opening
2 and transfer of contents of safe deposit box (number or other
3 identification) at (name of financial institution)." The
4 authorization form shall be signed and dated by the heir and
5 notarized. The bank or credit union may impose its standard fee for
6 drilling the box if the heirs cannot provide the key for opening.

7 B. Receipt by the bank or credit union of the affidavit
8 described in subsection A of this section shall be a valid and
9 sufficient release and discharge to the bank or credit union for any
10 transfer of deposits or contents made in good-faith reliance on the
11 affidavit and shall serve to discharge the bank or credit union from
12 liability as to any other party, including any heir, legatee,
13 devisee, creditor or other person having rights or claims to funds
14 or property of the decedent, and include a discharge of the bank or
15 credit union from liability for any estate, inheritance or other
16 taxes which may be due the state from the estate or as a result of
17 the transfer.

18 C. Any person who knowingly submits and signs a false affidavit
19 as provided in this section shall be fined not more than Three
20 Thousand Dollars (\$3,000.00) or imprisoned for not more than six (6)
21 months, or both. Restitution of the amount fraudulently attained
22 shall be made to the rightful beneficiary by the guilty person.

1 SECTION 2. AMENDATORY 58 O.S. 2011, Section 393, as
2 amended by Section 1, Chapter 250, O.S.L. 2016 (58 O.S. Supp. 2016,
3 Section 393), is amended to read as follows:

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

14 1. The fair market value of property located in this state
15 owned by the decedent and subject to disposition by will or
16 intestate succession at the time of the decedent's death, less liens
17 and encumbrances, does not exceed Fifty Thousand Dollars
18 (\$50,000.00);

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

21 3. Each claiming successor is entitled to payment or delivery
22 of the property in the respective proportions set forth in the
23 affidavit; and
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1 4. All taxes and debts of the estate have been paid or
2 otherwise provided for or are barred by limitations.

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

7 C. The public official having cognizance over the registered
8 title of any personal property of the decedent shall change the
9 registered ownership from the decedent to the successor or
10 successors upon the presentation of an affidavit as provided in
11 subsection A of this section.

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

23 E. Any person who knowingly submits and signs a false affidavit
24 as provided in this section shall be fined not more than Three

1 Thousand Dollars (\$3,000.00) or imprisoned for not more than six (6)
2 months, or both. Restitution of the amount fraudulently attained
3 shall be made to the rightful beneficiary by the guilty person.

4 SECTION 3. This act shall become effective November 1, 2017.

5 Passed the Senate the 14th day of March, 2017.

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8 Presiding Officer of the Senate

9 Passed the House of Representatives the ____ day of _____,
10 2017.

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12 Presiding Officer of the House
13 of Representatives
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