

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 ENGROSSED SENATE
5 BILL NO. 64

By: Bice of the Senate

and

Osburn (Mike) of the House

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

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

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

26 Section 906. A. 1. When a deposit has been made in a bank or
27 credit union in the name of a sole individual without designation of
28 a payable-on-death beneficiary, upon the death of the sole owner of

1 the account if the amount of the aggregate deposits held in single
2 ownership accounts in the name of the deceased individual is ~~Twenty~~
3 ~~Thousand Dollars (\$20,000.00)~~ Fifty Thousand Dollars (\$50,000.00) or
4 less, the bank or credit union may transfer the funds to the known
5 heirs of the deceased upon receipt of an affidavit sworn to by the
6 known heirs of the deceased which establishes jurisdiction and
7 relationship and states that the owner of the account left no will.
8 The affidavit shall be sworn to and signed by the known heirs of the
9 deceased and the same shall swear that the facts set forth in the
10 affidavit establishing jurisdiction, heirship and intestacy are true
11 and correct.

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

1 any known heir is unable to be physically present for the opening of
2 the box and transfer of the contents, such heir may appoint an agent
3 by executing authorization in writing in the following form: "I
4 hereby authorize (name of person) to act as my agent at the opening
5 and transfer of contents of safe deposit box (number or other
6 identification) at (name of financial institution)." The
7 authorization form shall be signed and dated by the heir and
8 notarized. The bank or credit union may impose its standard fee for
9 drilling the box if the heirs cannot provide the key for opening.

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

21 C. Any person who knowingly submits and signs a false affidavit
22 as provided in this section shall be fined not more than Three
23 Thousand Dollars (\$3,000.00) or imprisoned for not more than six (6)
24

1 months, or both. Restitution of the amount fraudulently attained
2 shall be made to the rightful beneficiary by the guilty person.

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

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

16 1. The fair market value of property located in this state
17 owned by the decedent and subject to disposition by will or
18 intestate succession at the time of the decedent's death, less liens
19 and encumbrances, does not exceed Fifty Thousand Dollars
20 (\$50,000.00);

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

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1 3. Each claiming successor is entitled to payment or delivery
2 of the property in the respective proportions set forth in the
3 affidavit; and

4 4. All taxes and debts of the estate have been paid or
5 otherwise provided for or are barred by limitations.

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

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

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

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

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

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10 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CIVIL AND
11 ENVIRONMENTAL, dated 03/28/2017 - DO PASS.
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