

1 ENGROSSED SENATE
2 BILL NO. 1460

By: Howard of the Senate

3 and

4 Moore of the House

5
6 An Act relating to probate procedure; amending 58
7 O.S. 2021, Sections 5 and 714, which relate to venue
8 of probate acts and joinder of proceedings relating
9 to different estates; granting exclusive jurisdiction
10 to certain district court for specified purposes;
11 modifying requirements for proper venue for certain
12 actions; providing for validity of certain decrees;
13 providing exceptions; clarifying requirements for
14 joinder of certain proceedings; requiring publication
15 of certain notice in specified counties; providing
16 for compliance of certain proceedings with applicable
17 venue statutes; making language gender neutral; and
18 providing an effective date.

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

20 SECTION 1. AMENDATORY 58 O.S. 2021, Section 5, is
21 amended to read as follows:

22 Section 5. ~~Wills must be proved, and~~ The district court in and
23 for the county of proper venue has exclusive jurisdiction to prove a
24 will or to grant letters testamentary or of administration granted
~~in the following applicable situations.~~ Proper venue for hearing in
such actions shall be determined as follows:

1 1. ~~In~~ If the decedent died as a resident of this state, in the
2 county of which the decedent was a resident at the time of his or
3 her death, regardless of where ~~he~~ the decedent died-;

4 2. ~~In~~ If the decedent died while not a resident of this state:

5 a. first, in the county of this state in which the
6 decedent died, leaving an estate therein, ~~the deceased~~
7 ~~not being a resident of this state.~~

8 3. ~~In the~~ b. second, in any county of this state in
9 which any part of the estate of the deceased may be,
10 where the decedent

11 (1) died out of this state, and the decedent was not
12 ~~a resident of this state at the time of his~~
13 ~~death.~~

14 4. ~~In the county in which any part of the estate may~~
15 ~~be and the decedent was not a resident of this~~
16 ~~state, but~~ or

17 (2) died within it, and this state but did not leave
18 an estate in the county in which ~~he~~ the decedent
19 died-

20 5. ~~In all other cases, in the county where application for~~
21 ~~letters is first made, and~~

22 c. third, in the county in which the decedent died,
23 leaving no estate in this state; or
24

1 3. In all cases of administration of estates of deceased
2 persons in this state where final decrees have been entered prior to
3 the effective date of this act, and for which the final decrees are
4 or may be defective or invalid for lack of jurisdiction because the
5 administration was in a county other than the county of proper venue
6 as prescribed by this section, such final decrees shall be deemed
7 valid; provided, however, the provisions of this paragraph:

8 a. shall not apply to any case where an action is
9 instituted and maintained to modify or vacate the
10 final decree within one (1) year of the effective date
11 of this act, and

12 b. shall not bar the claim of a person claiming an
13 interest in a decedent's estate if the person did not
14 receive notice of the probate or estate
15 administration, actual or constructive, as required by
16 this title.

17 SECTION 2. AMENDATORY 58 O.S. 2021, Section 714, is
18 amended to read as follows:

19 Section 714. Proceedings for probate of wills of two or more
20 deceased persons may be joined and united in one proceeding, and
21 proceedings for administration of estates of two or more deceased
22 persons who died intestate may be joined and united in one
23 proceeding, ~~and proceedings.~~ Proceedings for probate of wills of
24 one or more deceased persons and proceedings for the administration

1 of estates of one or more deceased persons who died intestate may be
2 joined and united in one proceeding, ~~(a) where.~~ Where the estate or
3 estates ~~left by one or more of such deceased persons~~ or some part
4 thereof left by one or more of such deceased persons, has been or is
5 to be received from another of such deceased persons, immediately or
6 remotely, either by will or intestate succession, and no probate or
7 administration proceedings have been had or commenced upon the
8 estate of any of such deceased persons, and/or ~~(b) where~~ two or more
9 deceased persons died seized of undivided interests in property,
10 real or personal, as tenants in common or otherwise, and no probate
11 or administration proceedings have been had or commenced on the
12 estate of either or any of them, and one or more of the heirs,
13 devisees or legatees of such deceased persons are the same; ~~and,~~ the
14 court may grant letters testamentary and/or letters of
15 administration, as the case may be, upon such estates in any county
16 where venue would be proper for any of the estates so joined and
17 they may be administered in one proceeding; provided, that, in. In
18 all cases herein mentioned the court granting such letters has
19 jurisdiction of each of the proceedings so united. Notice required
20 to be published by this title including but not limited to notice to
21 determine heirs, notice to creditors, or notice of hearing on
22 petition for final settlement, shall be published in the county
23 where the action is pending and the county of the residence of each
24 decedent if a resident of this state at death. Any such proceeding

1 before the effective date of this act shall be deemed to be in
2 compliance with applicable venue statutes.

3 SECTION 3. This act shall become effective November 1, 2022.

4 Passed the Senate the 8th day of March, 2022.

5
6 Presiding Officer of the Senate

7
8 Passed the House of Representatives the ____ day of _____,
9 2022.

10
11 Presiding Officer of the House
12 of Representatives