

An Act

ENROLLED SENATE
BILL NO. 1460

By: Howard of the Senate

and

Moore of the House

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

SUBJECT: Probate procedure

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

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

Section 5. ~~Wills must be proved, and~~ The district court in and for the county of proper venue has exclusive jurisdiction to prove a 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. ~~In~~ If the decedent died as a resident of this state, in the county of which the decedent was a resident at the time of his or her death, regardless of where he the decedent died;

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

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

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

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

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

(2) died within it, and this state but did not leave an estate in the county in which he the decedent died.

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

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

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

a. shall not apply to any case where an action is instituted and maintained to modify or vacate the

final decree within one (1) year of the effective date of this act, and

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

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

Section 714. Proceedings for probate of wills of two or more deceased persons may be joined and united in one proceeding, and proceedings for administration of estates of two or more deceased persons who died intestate may be joined and united in one proceeding, ~~and proceedings.~~ Proceedings for probate of wills of one or more deceased persons and proceedings for the administration of estates of one or more deceased persons who died intestate may be joined and united in one proceeding, (a) where. Where the estate or estates left by one or more of such deceased persons or some part thereof left by one or more of such deceased persons, has been or is to be received from another of such deceased persons, immediately or remotely, either by will or intestate succession, and no probate or administration proceedings have been had or commenced upon the estate of any of such deceased persons, and/or (b) where two or more deceased persons died seized of undivided interests in property, real or personal, as tenants in common or otherwise, and no probate or administration proceedings have been had or commenced on the estate of either or any of them, and one or more of the heirs, devisees or legatees of such deceased persons are the same; and, the court may grant letters testamentary and/or letters of administration, as the case may be, upon such estates in any county where venue would be proper for any of the estates so joined and they may be administered in one proceeding; provided, that, in. In all cases herein mentioned the court granting such letters has jurisdiction of each of the proceedings so united. Notice required to be published by this title including but not limited to notice to determine heirs, notice to creditors, or notice of hearing on petition for final settlement, shall be published in the county where the action is pending and the county of the residence of each decedent if a resident of this state at death. Any such proceeding

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

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

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

Presiding Officer of the Senate

Passed the House of Representatives the 27th day of April, 2022.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____