

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 ENGROSSED SENATE

5 BILL NO. 1460

By: Howard of the Senate

and

Moore of the House

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

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

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

25 Section 5. ~~Wills must be proved, and~~ The district court in and
26 for the county of proper venue has exclusive jurisdiction to prove a
27 will or to grant letters testamentary or of administration ~~granted~~

1 ~~in the following applicable situations.~~ Proper venue for hearing in
2 such actions shall be determined as follows:

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

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

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

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

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

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

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

22 5. ~~In all other cases, in the county where application for~~
23 ~~letters is first made, and~~
24

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

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

- 10 a. shall not apply to any case where an action is
11 instituted and maintained to modify or vacate the
12 final decree within one (1) year of the effective date
13 of this act, and
- 14 b. shall not bar the claim of a person claiming an
15 interest in a decedent's estate if the person did not
16 receive notice of the probate or estate
17 administration, actual or constructive, as required by
18 this title.

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

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

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

1 where the action is pending and the county of the residence of each
2 decedent if a resident of this state at death. Any such proceeding
3 before the effective date of this act shall be deemed to be in
4 compliance with applicable venue statutes.

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

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7 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CIVIL, dated
8 04/06/2022 - DO PASS.
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