

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

SENATE BILL 1460

By: Garvin

AS INTRODUCED

An Act relating to small estate administration;
amending 58 O.S. 2021, Sections 393 and 394, which
relate to payment or delivery of property to
successor by affidavit; clarifying entities
authorized to release property upon receipt of
certain affidavit; and providing an effective date.

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

SECTION 1. AMENDATORY 58 O.S. 2021, Section 393, is
amended to read as follows:

Section 393. A. At any time ten (10) or more days after the
date of death of a decedent, any person or state agency including
the Oklahoma State Treasurer who is indebted to the decedent or
having possession of tangible personal property or an instrument
evidencing a debt, obligation, stock, chose in action, or stock
brand belonging to the decedent shall make payment of the
indebtedness or shall deliver the tangible personal property or an
instrument evidencing a debt, obligation, stock, chose in action, or
stock brand to a person claiming to be the successor of the decedent

1 upon being presented an affidavit made by or on behalf of the
2 successor stating that:

3 1. The fair market value of property located in this state
4 owned by the decedent and subject to disposition by will or
5 intestate succession at the time of the decedent's death, less liens
6 and encumbrances, does not exceed Fifty Thousand Dollars
7 (\$50,000.00);

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

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

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

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

19 C. The public official having cognizance over the registered
20 title of any personal property of the decedent shall change the
21 registered ownership from the decedent to the successor or
22 successors upon the presentation of an affidavit as provided in
23 subsection A of this section.

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

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

17 SECTION 2. AMENDATORY 58 O.S. 2021, Section 394, is
18 amended to read as follows:

19 Section 394. The person or state agency including the Oklahoma
20 State Treasurer who is paying, delivering, transferring, or issuing
21 personal property or the evidence thereof to the successor or
22 successors named in the affidavit is discharged and released to the
23 same extent as if the person dealt with a personal representative of
24 the decedent. Such person is not required to inquire into the truth
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1 of any statement in the affidavit. If any person to whom an
2 affidavit is delivered refuses to pay, deliver, transfer, or issue
3 any personal property or evidence thereof, it may be recovered or
4 its payment, delivery, transfer, or issuance compelled upon proof of
5 their right in a proceeding brought for the purpose by or on behalf
6 of the persons entitled thereto. Any person to whom payment,
7 delivery, transfer, or issuance is made is answerable and
8 accountable therefor to any personal representative of the estate or
9 to any other person having a superior right.

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