

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 4353

By: Moore

AS INTRODUCED

An Act relating to trusts; amending 60 O.S. 2021, Section 175.23, which relates to trust venue; updating proper venue for a judicial proceeding involving a trust; and providing an effective date.

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

SECTION 1. AMENDATORY 60 O.S. 2021, Section 175.23, is amended to read as follows:

Section 175.23. A. The district court shall have original jurisdiction to construe the provisions of any trust instrument; to determine the law applicable thereto; the powers, duties, and liability of trustee; the existence or nonexistence of facts affecting the administration of the trust estate; to require accounting by trustees; to surcharge trustee; and in its discretion to supervise the administration of trusts; and all actions hereunder are declared to be proceedings in rem.

~~B. The venue of such actions shall be in the county where the trustees or any cotrustee resides. Upon obtaining jurisdiction the~~

1 ~~same shall not be divested by the removal of the trustee from the~~
2 ~~county where the action is commenced~~ 1. Except as otherwise
3 provided in paragraph 2 of this subsection, venue for a judicial
4 proceeding involving a trust is proper in the county of this state
5 in which the trust's principal place of administration is or will be
6 located and, if the trust is created by will and the estate is not
7 yet closed, in the county in which the decedent's estate is being
8 administered.

9 2. If a trust has no trustee, venue for a judicial proceeding
10 for the appointment of a trustee may be in a county of this state in
11 which a beneficiary resides, in a county in which any trust property
12 is located, and if the trust is created by will, in the county in
13 which the decedent's estate was or is being administered.

14 C. Actions hereunder may be brought by a trustee, beneficiary,
15 or any person affected by the administration of the trust estate.
16 If the action is predicated upon any act or obligation of any
17 beneficiary, the beneficiary shall be a necessary party to the
18 proceedings. The only necessary parties to such actions shall be
19 those persons designated as beneficiaries by name or class in the
20 instrument creating the trust and who have a vested interest in the
21 trust which is the subject of the action, those persons currently
22 serving as trustees of the trust, and any persons who may be
23 actually receiving distributions from the trust estate at the time
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1 the action is filed. Contingent beneficiaries designated by name or
2 class shall not be necessary parties.

3 D. The provisions of the statutes governing civil procedure,
4 commencement of action, process, process by publication, appointment
5 of guardians ad litem, supersedeas and appeal, shall govern all
6 actions and proceedings brought under provisions of ~~this act~~ the
7 Oklahoma Trust Act.

8 E. A court of competent jurisdiction may, for cause shown and
9 upon notice to the beneficiaries, relieve a trustee from any or all
10 of the duties and restrictions which would otherwise be placed upon
11 the trustee by this act, or wholly or partly excuse a trustee who
12 has acted honestly and reasonably from liability for violations of
13 the provisions of this act.

14 SECTION 2. This act shall become effective November 1, 2026.
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