An Act

ENROLLED SENATE
BILL NO. 1287

By: Burrage of the Senate

and

Sherrer of the House

An Act relating to probate procedure; amending 58 O.S. 2001, Section 239, which relates to petition and consent; adding persons to consent to certain orders; and providing an effective date.

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

SECTION 1. AMENDATORY 58 O.S. 2001, Section 239, is amended to read as follows:

Section 239. A. After the appointment of the personal representative, and, provided that a determination of the identities of the heirs, devisees and legatees of the decedent has been made pursuant to the provisions of Section 240 of this title, and upon the filing of a petition or application, the petition to be accompanied by acknowledged, written consents by all heirs, devisees and legatees, other than contingent devisees and legatees, ~~and~~ persons authorized to act on behalf of any heir, devisee or legatee under any legal disability, <u>and personal representatives of the estate of any deceased heir, devisee or legatee,</u> the court may enter an order:

1. Authorizing the personal representative to sell, grant, lease, mortgage or encumber any real or personal property including mineral interests, and to execute and issue deeds, leases, bills of sale, notes, mortgages, easements and other documents of conveyance, without further judicial authorization or a return of sale or

confirmation of such sale or transaction. Any sale or transaction so authorized shall pass title to the purchaser without being confirmed by the court, notwithstanding any statutory provision to the contrary; or

2. Waiving the filing of any accounting specified in the consents of the persons herein named, or waiving the necessity for presentation to the court for approval of any such accounting.

B. Waivers or consents may be withdrawn at any time and thereafter all acts shall be in accordance with regular statutory procedures. A withdrawal of a waiver or consent shall be effected by filing a written statement of withdrawal with the court clerk and by serving a certified copy on the personal representative or the attorney for the personal representative by certified mail.

C. Notwithstanding the foregoing, if the petition or application is filed after three (3) months from the date of admission of the will to probate, and no appeal of the admission of the will is pending nor has any contest to admission of the will to probate been filed after admission of the will to probate, and if the will contains a residuary disposition clause, then the consents of heirs who are neither devisees ~~or~~ nor legatees shall not be required.

SECTION 2. This act shall become effective November 1, 2010.

Passed the Senate the 16th day of February, 2010.

Presiding Officer of the Senate

Passed the House of Representatives the 29th day of March, 2010.

Presiding Officer of the House of Representatives

OFFICE OF THE GOVERNOR

Received by the Governor this 30th

day of March, 2010,

at 3:45 o'clock P M.

By: [illegible]

Approved by the Governor of the State of Oklahoma the 2nd day of

April, 2010, at 5:54 o'clock P M.

[illegible]

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this

5th day of April, 2010,

at 10:45 o'clock A M.

By: M. Susan Lowry