An Act

ENROLLED SENATE
BILL NO. 2201

By: Anderson of the Senate

and

Hickman of the House

An Act relating to probate procedure; amending 58 O.S. 2001, Sections 931 and 961, which relate to easements and leases; allowing certain persons to enter into certain contracts; authorizing certain persons to lease property for certain purposes; and providing an effective date.

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

SECTION 1. AMENDATORY 58 O.S. 2001, Section 931, is amended to read as follows:

Section 931. That administrators and executors of the estates of deceased persons and the guardians of estates, minors and incompetent persons are hereby authorized to enter into contracts with pipeline companies, corporations, conservancy districts, individuals or partnerships or the State of Oklahoma or any subdivision thereof or any municipal corporation, for the construction, operation and maintenance of party walls, pipelines, transmission lines, upstream flood-control dams and lakes, <u>or to enter into contracts with companies, corporations, individuals, partnerships, the State of Oklahoma or any subdivision thereof, or any municipal corporation for the construction, operation and maintenance of wind energy conversion systems,</u> state or county highways, and to sell and dispose of an easement under said contract for said purposes, upon and across the lands or any interest therein belonging to the estates of deceased persons and of minors and

incompetents, upon such terms and conditions that said administrators, executors or guardians of such persons may deem reasonable and equitable, and for the best interest of said estates of deceased persons, minors and incompetents.

SECTION 2. AMENDATORY 58 O.S. 2001, Section 961, is amended to read as follows:

Section 961. When they shall deem it necessary, in order to preserve the value of such property, or its rental value, administrators, administrators with will annexed and executors of deceased persons, and guardians of minors or incompetent persons may lease or extend existing leases as to business property, or property to be improved for business purposes, <u>or property used for wind energy conversion,</u> belonging to the estate of said deceased persons, minor or incompetent person, for a term of not more than fifteen (15) years, with the approval of the district court administering said estate of such deceased person, or minor or incompetent person. In order to obtain said approval said administrator, administrator with will annexed, executor or guardian shall file in said district court a petition setting out the general nature of the property desired to be leased, or upon which the lease is desired to be extended, and the facts relative to the necessity of such lease for the preservation of the value of said property, or its rental value. The heirs, devisees and legatees of said deceased person and the next of kin of said minor or incompetent person are designated as persons interested in the estate and are entitled to be heard with respect to such proposed leasing. Provided, if the will of such deceased person shall authorize the executor or administrator with will annexed to sell the property of said decedent such authority shall be considered to include and extend the power to lease said property and further compliance with this act shall not be necessary.

SECTION 3. This act shall become effective November 1, 2010.

Passed the Senate the 22nd day of February, 2010.

Presiding Officer of the Senate

Passed the House of Representatives the 30th day of March, 2010.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Governor this 31st
day of March, **20** 10,
at 11:20 **o'clock** A **M.**

By:

Approved by the Governor of the State of Oklahoma the 2nd **day of**
April, **20** 10, **at** 5:52 **o'clock** P **M.**

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this
5th **day of** April, **20** 10,
at 10:45 **o'clock** A **M.**

By: M. Susan Savage