

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 60th Legislature (2025)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1743

By: Harris and **Moore**

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to probate procedure; amending 58
10 O.S. 2021, Section 246, which relates to petitions
11 for summary administration; changing time requirement
12 for filing combined notices; and declaring an
13 emergency.

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

15 SECTION 1. AMENDATORY 58 O.S. 2021, Section 246, is
16 amended to read as follows:

17 Section 246. A. Upon the filing of the petition and combined
18 notice, the court shall dispense with the regular estate proceedings
19 prescribed by law and the court shall order notice to creditors and
20 issue an order granting final hearing upon the petition for
21 admission of the will, if any, to probate, the petition for summary
22 administration, the final accounting, and the petition for
23 determination of heirship, distribution and discharge. However,
24 nothing in this section shall affect the lien upon any property for

1 any estate or transfer tax which may be due upon the estate of the
2 decedent.

3 B. Notice to creditors and notice of hearing upon the petition
4 for summary administration and the final accounting, determination
5 of heirship, and distribution and discharge shall be combined into
6 one notice, referred to as a "combined notice". Combined notice
7 shall be filed ~~at the same time the petition for summary~~
8 ~~administration is filed~~ within five (5) days from the granting of
9 the order admitting the petition and order for combined notice. The
10 combined notice shall set forth the following:

- 11 1. The name, address, and date of death of the decedent;
- 12 2. The name and address of the petitioner;
- 13 3. Whether a will exists;
- 14 4. The name and address of the personal representative, if
15 specified;
- 16 5. The name and address of the heirs or devisees;
- 17 6. The probable value of the estate of the decedent as set
18 forth in the petition;
- 19 7. The date, time and place of the final hearing;
- 20 8. That the person receiving the notice or any interested party
21 may file objections to the petition at any time before the final
22 hearing and send a copy to the petitioner or that person will be
23 deemed to have waived any objections to the petition;

24

1 9. That if an objection is filed before the hearing, the court
2 will determine at the hearing whether the will attached to the
3 petition shall be admitted to probate, whether summary proceedings
4 are appropriate and, if so, whether the estate will be distributed
5 and to whom the estate will be distributed; and

6 10. The claim of any creditor will be barred unless the claim
7 is presented to the personal representative no more than thirty (30)
8 days following the granting of the order admitting the petition and
9 combined notice.

10 C. Within ten (10) days of the granting of the order admitting
11 the petition and combined notice, notice of the petition, notice to
12 creditors, and notice of final accounting, determination of
13 heirship, distribution and discharge shall be published once each
14 week for two (2) consecutive weeks in a newspaper that is authorized
15 by law to publish legal notices and that is published in the county
16 where the petition is filed. If no newspaper authorized by law to
17 publish legal notices is published in the county, the notice shall
18 be posted in three public places in the county, one of which shall
19 be the county courthouse. Within ten (10) days of the granting of
20 the order admitting the petition and combined notice, the combined
21 notice shall be mailed to creditors of the decedent as provided in
22 Sections 331 and 331.1 of this title. Within ten (10) days of the
23 granting of the order admitting the petition and combined notice,
24

1 the combined notice shall be mailed to all persons interested in the
2 estate of the decedent at their respective last-known addresses.

3 D. The matter shall be set for final hearing not less than
4 forty-five (45) days following the granting of the order admitting
5 the petition and combined notice.

6 E. If there is a defect in notice or in the form of the
7 petition or if objections are filed, or for other good cause shown,
8 the hearing may be postponed to a date certain.

9 SECTION 2. It being immediately necessary for the preservation
10 of the public peace, health or safety, an emergency is hereby
11 declared to exist, by reason whereof this act shall take effect and
12 be in full force from and after its passage and approval.

13

14 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 03/06/2025 - DO PASS,
15 As Amended and Coauthored.

16

17

18

19

20

21

22

23

24