

1 ENGROSSED HOUSE
2 BILL NO. 1743

By: Harris and Moore of the
House

3 and

4 Howard of the Senate

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

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

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

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

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

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

1 are appropriate and, if so, whether the estate will be distributed
2 and to whom the estate will be distributed; and

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

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

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

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

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

11 Passed the House of Representatives the 25th day of March, 2025.

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Presiding Officer of the House
of Representatives

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16 Passed the Senate the ____ day of _____, 2025.

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Presiding Officer of the Senate

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