

# An Act

ENROLLED HOUSE  
BILL NO. 1149

By: Grau of the House

and

Sykes of the Senate

An Act relating to wills; amending 58 O.S. 2011, Section 42, which relates to probate of wills; requiring strict application of in terrorem clause if will contest fails; barring specified defenses; and providing an effective date.

SUBJECT: Probate of wills

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

SECTION 1. AMENDATORY 58 O.S. 2011, Section 42, is amended to read as follows:

Section 42. A. The district court, after hearing the evidence on petitions for the probate of wills, must set forth its findings of fact and conclusions of law in writing and render a judgment based upon such findings, either admitting, or refusing to admit, the will to probate. The judgment and the will must be recorded where the will is admitted to probate.

B. In an action to contest a will, if the will contains an in terrorem clause restricting or prohibiting a contest and the party contesting the will does not prevail, the court shall strictly apply the in terrorem clause, and it shall not be a defense that the action was brought in good faith or with probable cause.

SECTION 2. This act shall become effective November 1, 2015.

Passed the House of Representatives the 2nd day of March, 2015.

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

Passed the Senate the 15th day of April, 2015.

\_\_\_\_\_  
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_