

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 58th Legislature (2021)

4   HOUSE BILL 1605

                                  By: Walke

7                                   AS INTRODUCED

8                   An Act relating to probate; amending 58 O.S. 2011,  
9                   Section 5, which relates to venue of probate acts;  
10                  prioritizing venue for probate actions; providing an  
                                  effective date; and declaring an emergency.

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

13                  SECTION 1.           AMENDATORY           58 O.S. 2011, Section 5, is  
14   amended to read as follows:

15                  Section 5.   Wills must be proved, and letters testamentary or of  
16   administration granted in the following applicable situations:

17                  1.   ~~First, in~~ the county of which the decedent was a resident  
18   at the time of his or her death, regardless where he or she died-;

19                  2.   ~~Second, in~~ the county in which the decedent died, leaving  
20   an estate therein, the deceased not being a resident of this state-;

21                  3.   ~~Third, in~~ the county in which any part of the estate of  
22   the deceased may be, where the decedent died out of this state, and  
23   the decedent was not a resident of this state at the time of his or  
24   her death-;

1        4. ~~In~~ Fourth, in the county in which any part of the estate may  
2 be and the decedent was not a resident of this state, but died  
3 within it, and did not leave an estate in the county in which he or  
4 she died~~;~~; and

5        5. ~~In~~ Fifth, in all other cases, in the county where  
6 application for letters is first made.

7        SECTION 2. This act shall become effective July 1, 2021.

8        SECTION 3. It being immediately necessary for the preservation  
9 of the public peace, health or safety, an emergency is hereby  
10 declared to exist, by reason whereof this act shall take effect and  
11 be in full force from and after its passage and approval.

12  
13 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CIVIL, dated  
14 02/16/2021 - DO PASS.

15  
16  
17  
18  
19  
20  
21  
22  
23  
24