

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 HOUSE BILL 3388

By: Moore

4
5
6 AS INTRODUCED

7 An Act relating to probate procedure; amending 58
8 O.S. 2021, Section 5, which relates to venue of
9 probate acts; requiring the proof of a venue and
jurisdiction; specifying venue and jurisdiction for
residents and nonresidents; and providing an
effective date.

10
11
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 58 O.S. 2021, Section 5, is
14 amended to read as follows:

15 Section 5. ~~Wills must be proved, and~~ A. The venue in which to
16 prove a will or to grant letters testamentary or of administration
17 ~~granted in the following applicable situations shall be in the~~
18 following order, as applicable:

19 1. ~~If~~ If the decedent died as a resident of Oklahoma, it shall
20 be in the county of which the decedent was a resident at the time of
21 his or her death, regardless where he or she died; or

22 2. ~~If~~ If the decedent died while not a resident of Oklahoma, it
23 shall be:
24

1 a. in the county of this state in which the decedent
2 died, leaving an estate therein, ~~the deceased not~~
3 ~~being a resident of this state.~~

4 ~~3. In~~

5 b. in the county in which any part of the estate of the
6 deceased may be, where the decedent died out of this
7 state, ~~and the decedent was not a resident of this~~
8 ~~state at the time of his death.~~ or

9 ~~4. In~~

10 c. in the county in which any part of the estate may be
11 and the decedent was not a resident of this state, but
12 died within it, and did not leave an estate in the
13 county in which he died.

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

16 B. Probates initiated in any improper county for venue
17 purposes, followed by the filing of a final decree of distribution
18 in that county prior to November 24, 2020, are confirmed as valid,
19 provided that any person or entity prejudiced by this statute shall
20 have two (2) years from the effective date hereof in which to
21 challenge the validity of the venue as entered.

22 SECTION 2. This act shall become effective November 1, 2022.

23
24 58-2-8713 JL 01/17/22