

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 COMMITTEE SUBSTITUTE  
FOR  
4 HOUSE BILL NO. 1743

By: Harris

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8 COMMITTEE SUBSTITUTE

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

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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;

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,

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.

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14 60-1-13263      GRS      03/06/25  
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