

Table of Contents

DIVISION I GENERAL INFORMATION

CHAPTER 1. DIRECTORIES	3
§ 1:1 Oklahoma Judges	3
§ 1:2 Oklahoma court clerks.....	18
§ 1:3 Oklahoma Legal Newspapers	22
§ 1:4 Oklahoma Elected County Officials	29
CHAPTER 2. MISCELLANEOUS	33
§ 2:1 Chart of consanguinity	33
§ 2:2 Oklahoma Uniform Fee Schedule for District Courts—Selected Fees	34

DIVISION II OKLAHOMA STATUTES CONCERNING PROBATE, TRUSTS, GUARDIANSHIPS, POWERS OF ATTORNEY AND OTHER RELATED MATTERS

PART A PROBATE	43
PROBATE PROCEDURE (TITLE 58, OKLA. STATS.)	54
CHAPTER 1 JURISDICTION	54
58-§ 1 Probate Jurisdiction and Venue of District Court	54
58-§ 5 Venue of Probate Acts	55
58-§ 6 Venue in Certain Cases.....	56
58-§ 7 Jurisdiction Co-Extensive with State	56
58-§ 8 Transfer of Old Matters Authorized.....	57
58-§ 9 Transfers Already Made Legalized	57
58-§ 10 Transfer to County of Domicile of Minor or Ward.....	57
58-§ 11 Personal Representative Defined.....	58
CHAPTER 2 PROBATE OF WILLS	58
58-§ 21 Custodian of Will to Deliver Same to District Court.....	58
58-§ 22 Who May Petition Court for Proof of Will.....	58
58-§ 23 Requisites of Petition for Probate	58
58-§ 24 Court May Compel Production of Will by One Having Possession	59
58-§ 24.1 Preservation of Original Will—Removal From Custody	59
58-§ 25 Hearing—Notice, How Given	59
58-§ 26 Heirs, Legatees, Devisees and Executors to be Given Notice by Mail	60

58-§ 27	Powers of Judge at Chambers.....	60
58-§ 28	Proof of Notice—Waiver of Notice.....	60
58-§ 29	Contest Before Probate—Persons Entitled.....	60
58-§ 30	Admission on Testimony of One Subscribing Witness	61
58-§ 31	Olographic Will, How Proved.....	61
58-§ 32	Notices Required to be Published Once Each Week for Two or More Consecutive Weeks—Interval.....	61
58-§ 33	“Newspaper” Defined	61
58-§ 34	Mailing and Proof of Mailing—Persons Authorized to Make .	61
58-§ 41	Proceedings on Contest	62
58-§ 42	Judgment—Recording.....	62
58-§ 43	Witnesses on Trial of Contest—Depositions	62
58-§ 44	Recording of Testimony—Admissibility.....	63
58-§ 51	Foreign Wills Recorded.....	64
58-§ 52	Petition—Hearing—Notice—Summary Administration	64
58-§ 53	Proof Required	64
58-§ 61	Causes for Contesting Will After Probate	64
58-§ 62	Citations—To Whom Issued	65
58-§ 63	Petition and Notices When Another Will Offered	65
58-§ 64	Hearing and Judgment—New Will, Admitting to Probate	65
58-§ 65	Result of Revocation.....	66
58-§ 66	Costs of Contest.....	66
58-§ 67	Probate Conclusive, When	66
58-§ 81	Proceedings in Case of Lost Will.....	66
58-§ 82	Special Requisites of Proof.....	66
58-§ 83	Court’s Certificate—Filing—Letters Testamentary	66
58-§ 84	Restraint of Former Administration	67
58-§ 91	Nuncupative Wills, How Proved	67
58-§ 92	Nuncupative Wills—Special Requirements	67
58-§ 93	Proceedings in Contest	67

CHAPTER 3 EXECUTORS AND ADMINISTRATORS—IN GENERAL..... 68

EXECUTORS AND LETTERS TESTAMENTARY OR WITH WILL ANNEXED..... 68

58-§ 101	Letters to Issue to Executor or Successor in Interest of Corporate Executor.....	68
58-§ 102	Who Incompetent as Executor	68
58-§ 103	Failure of Executors.....	68
58-§ 104	Objections to Issue of Letters—Letters of Administration with Will Annexed	68
58-§ 105	Death of an Executor	68
58-§ 106	Executor Disqualified by Absence or Minority	69
58-§ 107	Two or More Personal Representatives	69
58-§ 108	Presumed Renunciation of Executorship	69
58-§ 109	Administrators with Will Annexed—Authority—Letters.....	69
58-§ 110	Form of Letters Testamentary	70
58-§ 111	Letters of Administration with Will Annexed, Form Of.....	70

ADMINISTRATORS AND LETTERS OF ADMINISTRATION..... 70

58-§ 121	Letters of Administration.....	70
58-§ 122	Persons Entitled to Letters of Administration	70

TABLE OF CONTENTS

58-§ 123	Preferences	71
58-§ 124	Where Several Equally Entitled—Creditors.....	71
58-§ 125	Letters to Guardian of Minor Entitled.....	71
58-§ 126	Who Incompetent as Administrator	71
58-§ 127	Requisites of Petition for Administration	71
58-§ 128	Notice of Hearing.....	72
58-§ 129	Contest of Petition—Notice.....	72
58-§ 130	Hearing of the Petition—Order	73
58-§ 131	Court Entry as to Proof Conclusive	73
58-§ 132	Letters Granted to Applicant Where No Contest	73
58-§ 133	Proof of Death Intestate	73
58-§ 134	Nomination of Stranger by Person Entitled.....	73
58-§ 135	Revocation in Favor of Person Entitled.....	73
58-§ 136	Notice of Such Petition	74
58-§ 137	Hearing—Order.....	74
58-§ 138	Surviving Spouse—Assertion of Prior Right.....	74
OATHS—RECORDS—AGENTS		74
58-§ 161	Oath—Records	74
58-§ 162	Nonresident Representative Must Appoint Agent	74
BONDS		75
58-§ 171	Necessity and Requisites of Bond	75
58-§ 173	Condition of Bond	75
58-§ 174	Separate Bond for Each Person—Exception.....	75
58-§ 175	Successive Recoveries on the Bond.....	75
58-§ 176	Justification of Sureties—Approval of Bond—Examination of Sureties	75
58-§ 177	Executor or Administrator Deposed When Bond Insufficient	76
58-§ 178	Bond Waived by Will	76
58-§ 179	Petition When Bond Insufficient—Further Security	76
58-§ 180	Issuance and Service of Citations	77
58-§ 181	Hearing and Order—New Bond	77
58-§ 182	Revocation of Letters for Failure to File New Bond.....	77
58-§ 183	Suspension of Powers and Removal for Failure to Give Bond or Further Security—Periodical Examination of Bonds	77
58-§ 184	Bond Insufficient—Citation on Personal Knowledge of Judge.....	78
58-§ 185	Release, Application by Surety for—Issuance and Service of Citation	78
58-§ 186	Release Allowed, When	78
58-§ 187	Refusal to Give New Sureties—Revocation of Letters.....	78
58-§ 188	Hearings Out of Term Time	78
SPECIAL ADMINISTRATORS AND SUCCESSIVE ADMINISTRATIONS..		79
58-§ 211	Special Administrators Appointed, When	79
58-§ 212	How Appointed—Notice.....	79
58-§ 213	Preference	79
58-§ 214	Bond and Oath of Special Administrator	79
58-§ 215	Duties of Special Administrator	79

58-§ 216	Special Administrator Superseded by Regular Appointee....	80
58-§ 217	Account, Special Administrator Must Render	80
58-§ 218	Letters of Administration Revoked on Proof of Will	80
58-§ 219	Rights of Executor or Administrator with Will Annexed.....	80
58-§ 220	Surviving Executor or Administrator—Duties	81
58-§ 221	New Administrator Appointed, When	81
MISCELLANEOUS		81
58-§ 231	Resignation and Settlement—Revoking Letters	81
58-§ 232	Validation of acts before revocation of letters	81
58-§ 233	Proof of Appointment	82
58-§ 234	Suspension—Grounds—Reports of Condition of Estate.....	82
58-§ 235	Citation on Suspension—Revocation of Letters	82
58-§ 236	Hearing of the Issues	82
58-§ 237	Attendance of Executor or Administrator May be Compelled	83
58-§ 238	Notice by Publication, When	83
58-§ 239	Petition—Consent—Orders to be Entered—Withdrawal of Waivers or Consents—Consent not Required, When	83
58-§ 240	Determination of Heirs, Devisees and Legatees Under Certain Circumstances—Hearing Without Notice	84
SUMMARY ADMINISTRATION		85
58-§ 241	Dispensing with Regular Proceedings in Estates Under \$150,000—Notice to Creditors and Notice of Hearing— Procedure.....	85
58-§ 242	Probate of Will as Conclusive	86
58-§ 243	Limitation of Claims	86
58-§ 245	Petition for Summary Administration—Conditions— Requirements	86
58-§ 246	Petition for summary administration—Notice	88
58-§ 247	Petition for Summary Administration—Hearing—Order	89
CHAPTER 4 EXECUTORS AND ADMINISTRATORS—POWERS AND DUTIES		90
58-§ 251	Powers and Duties of Executors and Administrators	90
58-§ 252	Actions.....	90
58-§ 253	Action for Waste, Trespass and Conversion	90
58-§ 254	Certain Actions Against Representatives	90
58-§ 255	Repealed by Laws 1997, c. 399, § 71, eff. Nov. 1, 1997	91
58-§ 256	Action Against Predecessor.....	91
58-§ 257	Joinder of Parties.....	91
58-§ 258	Compromise with Debtors Allowable.....	91
58-§ 259	Fraudulent Conveyances, Recovery Of.....	91
58-§ 260	Creditors Must Secure Costs.....	91
58-§ 261	Sale of Realty Recovered	92
58-§ 262	Foreign Executors and Administrators—Right of Action— Proof of Authority—Security—Release of Mortgages	92
58-§ 263	Conducting Going Business	92
58-§ 264	Borrowing Money to Pay Taxes—Mortgage or Pledge of Assets	93
58-§ 265	Approval of Contract by Judge of District Court—	

TABLE OF CONTENTS

	Procedure—Limitation to Two-Thirds of Appraised Value, Exception as To	93
58-§ 266	Renewal or Extension of Time of Payment	93
58-§ 267	Validation of Prior Contracts.....	94
58-§ 268	Action Against Nonprobate Beneficiaries for State and Federal Estate Tax—Notice—Costs and Attorney Fees	94
58-§ 269	Executor or Administrator—Powers.....	94
CHAPTER 5 EXECUTORS AND ADMINISTRATORS— COLLECTION AND INVENTORY OF ESTATE.....		94
58-§ 281	Inventory of Estate.....	94
58-§ 282	Appraisement	95
58-§ 282.1	Release of Real Estate Tax Liability—Request—Notice and Hearing—Determination—Order	95
58-§ 283	Oath of Appraisers—Their Duties	96
58-§ 284	Inventory to Contain Account of Moneys—Appraisement Unnecessary, When.....	96
58-§ 285	Executor Liable for Debt to Decedent	96
58-§ 286	Bequest to Executor or Another Debtor of His Debt.....	96
58-§ 287	Return of Inventory	97
58-§ 288	Refusal to Return Inventory—Penalty—Revocation of Letters	97
58-§ 289	Additional Inventory	97
58-§ 290	Rights and Duties of Representative	97
58-§ 292	Embezzlement Before Issue of Letters—Civil Liability— Exemption for Financial Institutions with Valid Security Interests	98
58-§ 293	Complaint on Embezzlement—Citation.....	98
58-§ 294	Trial and Judgment	99
58-§ 295	Account by Third Person Entrusted with Property.....	99
CHAPTER 6 HOMESTEAD AND FAMILY ALLOWANCE ...		100
58-§ 311	Property to be Delivered to the Family—Homestead.....	100
58-§ 312	Exempt Property Also Allowed Family.....	100
58-§ 313	Homestead Exempt from Debt or Liability	101
58-§ 314	Additional Allowance for Maintenance During Settlement of Estate	101
58-§ 315	Allowance a Preferred Claim.....	101
58-§ 316	Who Entitled to Property Set Apart.....	101
58-§ 318	When Widow has Independent Income	102
CHAPTER 7 CLAIMS AGAINST ESTATE.....		102
58-§ 331	Notice to Creditors to Present Claims	102
58-§ 331.1	Identification of Creditors	103
58-§ 331.2	Mailing of Notice to Creditors—Personal Delivery of Notice	104
58-§ 332	Affidavit of Mailing or Personal Delivery.....	104
58-§ 333	Bar of Claims not Presented in Time—Exceptions	105
58-§ 334	Signing of Claim—Contents of Claim—Proof of Claim.....	105
58-§ 335	Claims Paid When not Proved and Allowed.....	105
58-§ 336	Claim by District Judge—Proceedings	106
58-§ 337	Allowance and Rejection of Claims	106

58-§ 338	Claims Filed in Court After Allowance.....	107
58-§ 339	Suit on Rejected Claim	107
58-§ 340	Claims Barred by Statute not Allowed—Hearing Before Judge	108
58-§ 341	Claim Must be Presented Before Suit.....	108
58-§ 342	Vacancy in Administration not Included in Limitation.....	108
58-§ 344	Partial Allowance of Claim	108
58-§ 345	Judgment Only Establishes Claim	108
58-§ 346	Judgments Before Death, How Collected	109
58-§ 347	Death Between Verdict and Judgment.....	109
58-§ 348	Reference of Claim to Third Person	109
58-§ 349	Duties of the Referee—Proceedings	109
58-§ 350	Costs Against Representative	110
58-§ 351	Claim by Personal Representative.....	110
58-§ 352	Neglect to Give Notice to Creditors	110
58-§ 353	Statement of Claims	110
58-§ 354	Payment of Interest-Bearing Claims not Due.....	111
CHAPTER 8 SALES AND CONVEYANCES.....		111
SALES GENERALLY.....		111
58-§ 380	Short Title.....	111
58-§ 381	Property not Exempt May be Sold for Debt	111
58-§ 382	Sales—Reports—Confirmation by Court.....	111
58-§ 383	Petition for Orders for Sale	111
58-§ 384	Order of Sale—Requirements	112
58-§ 385	Authority to Renew or Extend Mortgage or Execute New Mortgage	112
58-§ 385.1	Verified Petition by Guardian—Contents—Limitations....	113
58-§ 385.2	Hearing on Guardian's Petition—Notice.....	113
58-§ 385.3	Order for Guardian to Borrow Money, Execute Mortgage, etc.—Additional Bond—Approval.....	114
58-§ 385a	Borrowing Money—Mortgage of Estate Realty—Grant of Authority by District Court	114
58-§ 385b	Petition—Contents—Time for Filing—Limitations.....	115
58-§ 385c	Hearing on Petition—Notice	115
58-§ 385d	Order to Borrow Money and Mortgage Realty—Execution of Notes and Mortgage—Additional Bond	115
58-§ 386	Notice of Hearing on Petition	116
58-§ 387	What Personal Property May be Sold Without Notice	116
58-§ 388	Sale of Personalty	117
58-§ 389	Partnership Interests, etc., May be Sold.....	117
58-§ 391.1	Notice of Sale of Personalty at Public Auction—Place of Sale—Return of Proceedings—Hearing	117
58-§ 391.2	Notice of Sale of Personalty at Private Sale—Place of Sale—Return of Proceedings—Hearing	118
58-§ 393	Payment or Delivery of Property to Successor by Affidavit..	118
58-§ 394	Discharge and Release upon Payment or Delivery of Property by Affidavit.....	119
SALE OF REALTY		120
58-§ 411	Realty May be Sold.....	120
58-§ 412	Application for Sale of Realty	120

TABLE OF CONTENTS

58-§ 413	Order for Hearing on the Petition	120
58-§ 414	Notice of Order	121
58-§ 415	Hearing of Petition	121
58-§ 416	Witnesses	121
58-§ 417	Sale of All Rather than Part of Realty	121
58-§ 418	Order of Sale	122
58-§ 419	Order, Terms and Method of the Sale	122
58-§ 420	Petition for Sale by Third Person	122
58-§ 421	Notice of Sale at Public Auction	122
58-§ 422	Place and Time of Sale	123
58-§ 423	Private Sale—Notice of—Bids	123
58-§ 424	Relationship of Sale Price to Appraisement—Exception of Sale Under Authority of Will	123
58-§ 425	Security When Sale is Made on Credit	124
58-§ 426	Return of Sale—Hearing	124
58-§ 427	Objections to Confirmation of Return	124
58-§ 428	Confirmation of Sale—Resale, When	124
58-§ 429	Conveyance and Record—Effect Of	125
58-§ 430	Proof of Notice Before Order	125
58-§ 431	Postponement of Sale	125
58-§ 432	Notice of Postponement	125
PROVISIONS OF WILL		126
58-§ 461	Provisions of the Will Must be Followed	126
58-§ 462	Sale of Property Under the Will—Confirmation	126
58-§ 462.1	Partition of Property Under the Will—Sale	126
58-§ 463	When Provisions of Will are Insufficient	126
LIABILITY FOR DEBTS		127
58-§ 471	Estate Liable for Debts	127
58-§ 471.1	Liability as Dependent on Time of Granting Letters	127
58-§ 472	Contribution from Devisees and Legatees	127
CONTRACTS AND INCUMBERED LANDS		127
58-§ 481	Contract for the Purchase of Lands May be Sold	127
58-§ 482	Terms of the Sale of Land Contract	127
58-§ 483	What Bond Must Specify	128
58-§ 484	Assignment of Contract	128
58-§ 485	Sale of Land Subject to Mortgage	128
58-§ 486	Holder of Mortgage May Purchase Land	129
MISCELLANEOUS		129
58-§ 491	Misconduct in Sale	129
58-§ 492	Fraudulent Sale—Damages	129
58-§ 493	Limitation of Action to Recover	129
58-§ 494	Persons Under Disabilities Excepted	129
58-§ 495	Account of Sale	129
58-§ 496	Representative Cannot be a Purchaser	130
58-§ 497	Contract with Agent to Procure Purchaser	130
58-§ 498	Sale on Increased Bid to Purchaser not Procured by Agent Holding Contract	130
58-§ 499	Sale on Increased Bid Procured by Agent	130

CHAPTER 9 CONVEYANCE OF REALTY IN CERTAIN CASES	131
58-§ 501 Representative to Make Deed Under Decedent's Contract ..	131
58-§ 502 Application and Hearing.....	131
58-§ 503 Hearing.....	131
58-§ 504 Decree	131
58-§ 505 Deed and Record.....	132
58-§ 507 Effect of Conveyance	132
58-§ 509 Enforcement of Decree.....	132
58-§ 510 Death of Claimant.....	132
58-§ 511 Decree May Order Possession	132
58-§ 512 Transfer of Property to Governmental Entities—Approval by District Court.....	132
CHAPTER 10 ACCOUNTS AND PAYMENTS	133
CHARGES, CREDITS AND COMMISSIONS	133
58-§ 521 Promise to Pay Debts of Decedent.....	133
58-§ 522 Representative Chargeable with Whole Estate	133
58-§ 523 Representative Shall not Profit or Lose.....	133
58-§ 524 Representative not Chargeable with Uncollected Debts	133
58-§ 525 Expenses and Compensation.....	133
58-§ 526 Cannot Purchase Claims	134
58-§ 527 Fees and Commissions.....	134
ACCOUNTS AND ACCOUNTING	134
58-§ 541 Accounting—Waiver—Sufficiency.....	134
58-§ 542 Citation Upon Failure	135
58-§ 543 Petition by Third Person for Accounting.....	135
58-§ 544 Action Upon Petition.....	135
58-§ 545 Contest of the Exhibit—Examination	135
58-§ 546 Penalty for Refusal to Account After Citation.....	136
58-§ 548 Representative May be Cited by Successor.....	136
58-§ 549 Letters Revoked for Continued Failure	136
58-§ 550 Vouchers or Other Proof of Payment to Accompany Account	136
58-§ 552 Notice of Settlement of Account.....	137
58-§ 553 Date of Hearing—Notice of Final Settlement	137
58-§ 554 Exceptions to the Account	137
58-§ 555 Contest by Heirs.....	137
58-§ 556 Settlement Conclusive—Exception	137
58-§ 557 Proof of Notice	138
INVESTMENTS	138
58-§ 581 Investment of Funds	138
PAYMENTS	139
58-§ 591 Order of Payment of Debts	139
58-§ 592 Limit as to Mortgage.....	139
58-§ 593 Method of Payment	139
58-§ 594 When Certain Expenses Paid	139

TABLE OF CONTENTS

58-§ 595	Order for the Payment of Debts	140
58-§ 596	Payment of Unmatured, Contingent, or Disputed Claims ...	140
58-§ 597	Liability of Representative After Order	140
58-§ 598	Rights of Creditors not Included in Order	141
FINAL SETTLEMENT		141
58-§ 611	Payment of Legacies and Distribution of Estate— Extension of Time for Final Settlement.....	141
58-§ 612	Final Account and Settlement	141
58-§ 613	Provisions Applying to Final Settlement.....	141
CHAPTER 11 DISTRIBUTION AND SETTLEMENT OF ESTATES		142
DELIVERY OF LEGACY OR SHARE ON BOND		142
58-§ 621	Petition for Legacy or Share of Estate	142
58-§ 622	Notice of Application—Waiver	142
58-§ 623	Who May Resist Petition	142
58-§ 624	Allowance of Petition—Order	142
58-§ 625	Assessment Against Legatee or Devisee	143
DISTRIBUTION AND DECREE.....		143
58-§ 631	Distribution	143
58-§ 632	Rights Fixed by Decree	144
58-§ 632.1	Validation of Decrees Entered Prior to January 1, 1941...	144
58-§ 632.2	Validation of Decrees Entered Prior to January 1, 1951...	144
58-§ 632.3	Compliance with Notice Requirements—Form of Final Decree—Voidable Decree	145
58-§ 633	Delivery of Estate to Foreign Executor or Administrator— Sale of Real Estate and Delivery of Proceeds	145
58-§ 634	Petition and Notice for Decree of Distribution	146
58-§ 634.1	Judgment Creditor of Heir, Legatee or Devisee—Petition.	146
58-§ 635	Taxes Paid Before Decree.....	146
PARTITION.....		147
58-§ 652	Partition of Common and Undivided Estates—Procedure ...	147
ADVANCEMENTS.....		147
58-§ 661	Settlement of Advancements	147
AGENT FOR NONRESIDENT.....		147
58-§ 671	Agent Appointed for Nonresident.....	147
58-§ 672	Bond and Allowances of Agent	147
58-§ 673	Sale of Property Unclaimed for a Year	147
58-§ 674	Agent to Render Account	148
58-§ 675	Liability of Agent on Bond	148
58-§ 676	Claimant of Property.....	148
58-§ 677	Petition by Nonresident—Contents—Hearing—Objections..	148
MISCELLANEOUS		151
58-§ 691	Discharge of Representative.....	151

58-§	692	Property Discovered after Final Settlement.....	151
58-§	692.1	Title to Omitted Property Without Subsequent Letters....	151
58-§	693	Disposition of Monies Due Minor Without Guardian— Person Whose Whereabouts is Unknown—Person Refusing to Accept and Receipt—Investment of Funds— Dead Heirs or Legatees	152
58-§	694	Search for Minor.....	153
58-§	695	Death of Minor—Disposition of Monies	153

CHAPTER 12 MISCELLANEOUS PROVISIONS AS TO PROBATE COURTS

58-§	701	Orders and Decrees, Requisites Of	153
58-§	702	Publications, How Made	154
58-§	703	Recorded Decree is Notice to All Persons	154
58-§	704	Citation Must Contain What.....	154
58-§	705	Service of Citation.....	154
58-§	706	Personal Notice, How Given	154
58-§	707	Time of Service of Citation	155
58-§	707.1	Persons Who May Serve—Proof of Service	155
58-§	708	Description of Real Property in Publication	155
58-§	709	Trials and Findings—Judgments, How Enforced	155
58-§	710	Attorney Appointed by the Court, When.....	155
58-§	711	Recording of Judgment or Decree or Notice of Judgment or Decree Relating to Real Property	156
58-§	712	Revocation of Letters for Contumacy.....	156
58-§	713	Proof of Death of Person in Military, Naval or Maritime Service—Time for Distribution.....	157
58-§	714	Joinder of Proceedings Relating to Different Estates	157
58-§	715	Setting Out or Disclosing Facts.....	158
58-§	716	Orders Fixing Date of Hearing and Notice Thereof— Signing.....	158
58-§	717	Computation of Time.....	158

RECORDING PAPERS.....

58-§	718.1	Court Clerk—Record of Proceedings	158
58-§	718.2	Additional Records	159
58-§	718.3	Orders Recorded by Order of Court	159
58-§	718.4	Certified Copies—Received in Evidence	159

STATE AS INTERESTED PARTY.....

58-§	719.1	Service of Notices on Governor and Attorney General	159
58-§	719.2	Authority of State to Consent or Object to Sale of Property	160

CHAPTER 13 APPEALS

58-§	721	Appealable Judgments and Orders of District Court.....	160
58-§	722	Party in Default May not Appeal	161
58-§	723	Vacation of Judgment	161
58-§	724	Probate Appeals Taken as Appeals in Other Cases.....	161

CHAPTER 15 SPECIAL CLASSES OF PROBATE CASES .

161

TABLE OF CONTENTS

SALE OF INDIAN LANDS	161
58-§ 901 District Courts May Approve Deeds.....	161
58-§ 902 Petition for Approval—Requirements	161
58-§ 903 Hearings in District Court—Terms of Sale	162
58-§ 905 This Law Exclusive—Repeal of Conflicting Laws—Court Rules	162
TERMINATION OF LIFE ESTATES AND ESTATES IN JOINT TENANCY	162
58-§ 911 Petition for Determination—Hearing—Notice—Order and Decree—Filing	162
58-§ 912 Termination of Joint Tenancy or Life Tenancy With Remainder Interest by Affidavit	164
58-§ 912.1 Forms	165
OIL, GAS AND MINING LEASES	165
58-§ 924 Oil, Gas and Mineral Leases by Executors and Administrators or Guardians—Proceeding in District Court—Petition	165
58-§ 925 Order of Court Authorizing Lease—Public Auction—Notice.	166
58-§ 926 Sale of Lease to Highest Bidder—Return of Sale—Confirmation and Approval by District Court.....	167
58-§ 927 Validation of Prior Leases	167
58-§ 928 Unitizing with Adjacent Lands	167
58-§ 928.1 Sale of Oil and Gas Lease Having a Bonus Value not Exceeding Five Hundred Dollars	167
OIL, GAS AND MINERAL LEASEHOLDS	168
58-§ 929.1 Sales and Agreements by Administrators and Executors—Approval.....	168
58-§ 929.2 Filing of Verified Applications for Approval—Contents	168
58-§ 929.3 Notice of Hearing an Application—Lands in Other Counties	169
58-§ 929.4 Hearing—Appearances—Approval	169
58-§ 929.5 Confirmation—Additional Bond	169
EASEMENTS	170
58-§ 931 Easements for Pipelines, Transmission Lines, Highways and Dams—Administrators and Executors or Guardians—Authority as to.....	170
58-§ 932 Application and Hearing on Granting of Easement—Notice—Approval	170
ABSENT OR MISSING PERSONS	171
58-§ 941 Presumption of Death—Issuance of Letters Testamentary or of Administration.....	171
58-§ 942 Petition for Letters—Venue	171
58-§ 943 Contents of Petition	171
58-§ 944 Date for Hearing—Notice—Proof of Publication and Mailing.....	172
58-§ 945 Persons Entitled to Appear.....	172

58-§ 946	Hearing—Presumption of Death—Search or Inquiry—Decree—Issuance of Letters Testamentary or of Administration	173
LEASES FOR BUSINESS PURPOSES		173
58-§ 961	Power to Lease or Extend Lease—Term—Petition—Persons Entitled to be Heard	173
58-§ 962	Setting for Hearing—Notice—Finding—Order	174
58-§ 963	Presentation of Proposed Lease to Court—Review by Court—Approval—Bond	174
CHAPTER 16 UNIFORM SIMULTANEOUS DEATH ACT ..		175
58-§ 1001	Disposition of Property Upon Insufficient Evidence of Survivorship	175
58-§ 1002	Beneficiaries	175
58-§ 1003	Joint Tenants or Tenants by the Entirety	176
58-§ 1004	Husband and Wife	176
58-§ 1005	Life or Accident Policies—Annuity Contracts—Distribution of Proceeds	176
58-§ 1006	Inapplication in Certain Cases	176
58-§ 1007	Construction and Interpretation	177
58-§ 1008	Citation	177
CHAPTER 19 PROBATE OF WILL BY SURVIVING SPOUSE		177
58-§ 1101	Application of Act	177
58-§ 1102	Petition—Filing—Contents	177
58-§ 1103	Hearing—Notice	177
58-§ 1104	Admission of Will to Probate—Appointment of Surviving Spouse as Personal Representative—Duties of Representative	178
58-§ 1105	Final Account—Filing—Requisites—Petition	179
58-§ 1106	Final Account and Petition—Date, Time and Place—Notice—Hearing	179
CONVEYANCES		
(TITLE 16, OKLA. STATS.)		179
16 § 30	Will recorded	179
16 § 67	Claim and purchase of severed mineral interest through recorded affidavit of death and heirship	179
SELECTED OKLAHOMA DISTRICT COURT RULES		181
JUDICIAL DISTRICT 07: OKLAHOMA, CANADIAN COUNTIES		181
Rule 15	Judgment For Minors: Friendly Suits	181
JUDICIAL DISTRICT 08: KAY, NOBEL COUNTIES		181
Rule 2.9	Alternative Dispute Resolution	181
Rule 2.12	Clerk's Authority to Sign Certain Probate and Adoption Orders	181
Rule 3.2	Ex Parte and Temporary Orders	182

TABLE OF CONTENTS

JUDICIAL DISTRICT 14: PAWNEE, TULSA COUNTIES	182
Rule PR 1 Section 83 trusts for minor children	182
Rule PR 2 Accountings and reports.....	182
Rule PR 3 Mandatory filing of pleadings [Revoked effective July 1, 2016]	182
Rule PR 4 Inspection—Confidentiality of records	182
Rule PR 5 Uncontested and contested adoption matters.....	183
Rule PR 6 Legal counsel for minor children	183
Rule PR 7 Physical & Mental Health Examinations	183
JUDICIAL DISTRICT 20: CARTER, JOHNSTON, LOVE, MARSHALL, MURRAY COUNTIES	183
Rule 3.1 Temporary Attorney Fees.....	183
Rule 3.2 Guardian/Conservator Reports	183
JUDICIAL DISTRICT 23: LINCOLN, POTTAWATOMIE COUNTIES	184
Rule No. 12 Judgement for Minors; Friendly Suits	184
JUDICIAL DISTRICT 24: [OKFUSKEE, OKMULGEE,] CREEK COUNTY	184
Rule 2.14 Ex Parte Orders.....	184
Rule 3.8 Annual Reports for Guardianship and Conservator Cases ...	185
PART B WILLS	186
WILLS AND SUCCESSION (TITLE 84, OKLA. STATS.)	190
CHAPTER 1 GENERAL PROVISIONS	190
84-§ 1 Legacies Classed	190
84-§ 2 All Property of Intestate Subject to Debts.....	191
84-§ 3 Order of Resort to Property for Payment of Debts, Administration Expenses and Allowances.....	191
84-§ 4 Order of Resort to Property for Payment of Legacies	191
84-§ 5 Preferred Legacies	191
84-§ 6 Abatement Takes Effect How	192
84-§ 7 Title and Possession—Representative May Sell Property Devised	192
84-§ 8 Claim Under Heir Against Devisee—Probate Proceedings	192
84-§ 9 Succession to Limited Legacies—Inventory of Property	192
84-§ 10 Bequest of Interest or Income Begins at Death	192
84-§ 11 Satisfaction of Legacy Before Death	192
84-§ 12 Legacies Due, When—Annuities	193
84-§ 13 Interest on Legacies	193
84-§ 14 Intention of Testator Controls	193
84-§ 15 Testator’s Intention as to Executor	193
84-§ 16 Executor May Not Appoint Executor	193
84-§ 17 Executor’s Power Begins, When—Payment of Funeral Charges, etc.	193
84-§ 18 Power of Executor of Executor	193
84-§ 19 Will Includes Codicils	193
84-§ 20 Law Governing Validity and Interpretation of Wills.....	194

84-§ 21	Liability of Beneficiaries	194
84-§ 22	Disclaimer of Interests Passing by Will, Intestate Succession, etc.—Definitions	194
84-§ 23	Right to File Disclaimer—Minor, Incompetent or Deceased Beneficiaries	195
84-§ 24	Time for Filing Disclaimer	195
84-§ 25	Place of Filing Disclaimer—Delivery of Copies—Interest in Real Estate	195
84-§ 26	Disposition of Interest Disclaimed	196
84-§ 27	Uniform Fraudulent Conveyance Act not Abrogated—Bar on Right to Disclaim in Certain Cases	196
84-§ 28	Spendthrift Provisions—Binding Effect of Disclaimer—Spouse of Disclaimant	196
84-§ 29	Other Rights not Abridged	197
84-§ 30	Interests not Fixed or Finally Ascertained—Right to Disclaim	197
84-§ 31	Disclaimer of Interest in Trust—Conditions	197
CHAPTER 2 EXECUTION AND REVOCATION OF WILLS		197
CAPACITY AND POWER		197
84-§ 41	Persons Who May Make a Will—Persons Subject to Guardianship or Conservatorship	197
84-§ 42	Right of Married Woman	198
84-§ 43	Duress, Menace, Fraud, or Undue Influence—Revocation	198
84-§ 44	Property Which May be Disposed of—Election by Surviving Spouse—Homestead	198
84-§ 45	Persons Who May Take Under Will—Exception as to Corporation	200
84-§ 46	Nuncupative Wills—Requisites	200
EXECUTION AND ATTESTATION		200
84-§ 51	Nuncupative Will Need not be in Writing	200
84-§ 52	Mutual Will—Revocation	200
84-§ 53	Probate of Conditional Will	201
84-§ 54	Holographic Wills—Requisites	201
84-§ 55	Formal Requisites in Execution—Self-Proved Wills	201
84-§ 56	Method of Witnessing a Will	203
84-§ 57	Codicil, Effect Of	203
GOVERNING LAW		203
84-§ 71	Law of Place Governs Execution or Revocation	203
84-§ 72	Law Must be Followed in Execution or Revocation	204
84-§ 73	Change of Domicile Does not Affect Will	204
DEPOSIT		204
84-§ 81	Wills Deposited with Judge of District Court	204
84-§ 82	Delivery of Deposited Will	204
84-§ 83	Duty of Judge Having Will on Deposit After Testator's Death	205
LOST OR DESTROYED WILL		205

TABLE OF CONTENTS

84-§ 91	Proof of Lost or Destroyed Will	205
REVOCATION		205
84-§ 101	Revocation of Wills	205
84-§ 102	Proof of Destruction	205
84-§ 103	Effect of Alteration or Partial Erasure	205
84-§ 104	Revocation of Duplicate Will	206
84-§ 105	Revocation by Subsequent Will	206
84-§ 106	Revocation of Subsequent Will	206
84-§ 109	Effect of Sale of Devised Property	206
84-§ 110	Incumbrance not a Revocation	206
84-§ 111	Partial Disposal not a Revocation	206
84-§ 112	When Intent to Revoke Expressed	207
84-§ 113	Codicils Revoked with Will	207
84-§ 114	Divorce or Annulment as Revoking Will	207
OMISSION TO PROVIDE FOR CHILD		207
84-§ 131	After-Born Children not Provided for in Will	207
84-§ 132	Provision for Children Unintentionally Omitted	207
84-§ 133	How Provision Made as to Child Born After or Omitted From Will	208
84-§ 134	Advancements Cover Rights	208
MISCELLANEOUS		208
84-§ 141	Devise of Land Gives All Testator's Estate	208
84-§ 142	Death of Devisee or Legatee Before Testator—Rights of Descendants	208
84-§ 143	Gift to Witness Void—Exception	208
84-§ 144	Witness Entitled Without Will	209
84-§ 145	Subsequent Incompetency of Witnesses Immaterial	209
84-§ 146	Property Acquired After Will	209
CHAPTER 3 INTERPRETATION OF WILLS		209
84-§ 151	Intention of Testator Governs	209
84-§ 152	Ascertaining Intention	210
84-§ 153	Rules of this Article Govern Interpretation	210
84-§ 154	Several Instruments Construed as One	210
84-§ 155	Irreconcilable Parts	210
84-§ 156	Plain Devise not Affected by Other Parts of Will	210
84-§ 157	Ambiguities	210
84-§ 158	Words Taken in Ordinary Sense	210
84-§ 159	Words to be Given Effect if Possible	211
84-§ 160	Interpretation Against Total Intestacy	211
84-§ 161	Technical Words	211
84-§ 162	Technical Expression not Required	211
84-§ 163	Words of Inheritance not Necessary	211
84-§ 164	Execution of Power to Devise	211
84-§ 165	General Disposition Includes What	211
84-§ 166	Devise of Residue of Real Estate	211
84-§ 167	Devise of Residue of Personalty	211
84-§ 168	Effect of Certain Terms as "Heirs," "Relations," etc.	212
84-§ 169	When Terms "Heirs," "Relations," etc. Construed as Words	

	of Donation	212
84-§ 170	Words Referring to Survivorship	212
84-§ 171	Disposition to Class Includes All	212
84-§ 172	Conversion of Realty into Money	212
84-§ 173	Unborn Child Included in Class, When	212
84-§ 174	Errors Corrected, How	213
84-§ 175	Rights Presumed to Vest on Testator's Death	213
84-§ 176	Rights Divested, When	213
84-§ 177	Death of Devisee or Legatee Causes Failure	213
84-§ 178	Remaindermen not affected by death of devisee or legatee..	213
84-§ 179	Conditional Disposition Defined	213
84-§ 180	Condition Precedent Defined	213
84-§ 181	Condition Precedent Must be Fulfilled—Exception	214
84-§ 182	Substantial Compliance as Performance of Condition Precedent	214
84-§ 183	Condition Subsequent Defined	214
84-§ 184	Owners in Common Created, When	214
84-§ 185	Gifts do not Reduce Legacies	214
84-§ 186	Unlimited Marital Deduction—Interpretation of Will	214
CHAPTER 4 SUCCESSION		215
IN GENERAL		215
84-§ 211	Succession Defined	215
84-§ 212	Property of Intestate Passes to Heirs Subject to Control of Court and Possession of Administrator	215
84-§ 213	Descent and Distribution	215
84-§ 214	Dower and Curtesy Abolished	218
84-§ 215	Inheritance By and From Illegitimate Child	218
84-§ 216	Inheritance from Illegitimate Child	218
84-§ 217	Degrees of Kindred	219
84-§ 218	Lineal and Collateral	219
84-§ 219	Ascending and Descending Lines	219
84-§ 220	Degrees in Direct Line	219
84-§ 221	Collateral Degrees, How Reckoned	219
84-§ 222	Kindred of the Half-Blood	219
84-§ 223	Advancements	220
84-§ 224	Excess not Refunded	220
84-§ 225	Advancements Defined	220
84-§ 226	Expressed Value of Advancement Governs	220
84-§ 227	Representation in Advancements	220
84-§ 228	Representation Defined—Posthumous Children	220
84-§ 229	Aliens May Take	221
84-§ 230	Liabilities of Heirs	221
84-§ 231	Offenses precluding a person from inheriting or benefiting by insurance of victim	221
84-§ 232	Automobiles—Surviving Spouse's Rights	222
PROCEDURE TO DETERMINE SUCCESSION OR HEIRSHIP		222
84-§ 251	Proceedings Authorized—Jurisdiction—Final Determination—Appeal	222
84-§ 252	Petition—Contents	223
84-§ 253	Hearing, Process and Service	223

TABLE OF CONTENTS

84-§ 254	Trial and Judgment—Rehearings	223
84-§ 255	Appeals	224
84-§ 256	Remedies Cumulative	224
84-§ 257	Actions to Determine Persons Entitled to Real Property— Description of Parties—Publication of Notice	224
84-§ 258	Judgment.....	225
84-§ 259	Conclusiveness of Judgment	225
84-§ 260	Service by Publication—Mailing Notice to Persons Named in Petition	226
84-§ 261	Proof of Service	226
CHAPTER 5 ESCHEAT		227
84-§ 271	Conditions of Escheat	227
84-§ 271.1	Abandoned Mineral Interests	227
84-§ 273	Petition in Escheat by Attorney General or District Attorney	228
84-§ 274	Summons—Notification to Attorney General.....	228
84-§ 275	Parties—Trial and Judgment—Costs	228
84-§ 276	Sale of Property	229
84-§ 277	Appeals	230
CHAPTER 6 UNIFORM TESTAMENTARY ADDITIONS TO TRUSTS ACT.....		230
84-§ 301	Devises or Bequests by Will to Trustee of Trust Established by Written Instrument Independently of Will— Permissible Terms and Conditions	230
84-§ 302	Devises or Bequests Executed Prior to Effective Date	231
84-§ 303	Construction	231
84-§ 304	Citation.....	231
84-§ 305	Life Insurance Policies—Trustee Named by Will as Beneficiary	231
84-§ 306	Liability for Debts and Taxes	232
84-§ 307	Commingle of Proceeds.....	232
84-§ 308	Prior Beneficiary Designations not Affected.....	232
CHAPTER 7 UNIFORM INTERNATIONAL WILLS ACT ...		232
84-§ 350	Short Title.....	232
84-§ 351	Definitions.....	232
84-§ 352	Validity of a will	233
84-§ 353	Requirements of a will.....	233
84-§ 354	Signature, date, and declaration.....	234
84-§ 355	Signature establishing execution of valid international will	234
84-§ 356	Certificate—Formal validity.....	235
84-§ 357	International Will—Rules of Revocation of Wills	235
84-§ 358	Interpretation of Uniform International Wills Act.....	235
84-§ 359	Authorized Persons.....	235
PART C TRUSTS.....		236

FAMILY WEALTH PRESERVATION TRUST ACT

(TITLE 31, OKLA. STATS.)	242
31-§ 10 Short Title	242
31-§ 11 Definitions	242
31-§ 12 Corpus and income of preservation trust exempt from attachment, execution, forced sale, and liens—Exceptions—Transfer of assets	244
31-§ 13 Preservation Trust—Revocable or Irrevocable—Contributions	244
31-§ 14 Preservation Trust Exemptions Independent and in Addition to Other Exemptions	244
31-§ 15 Effect on Homestead Exemption	244
31-§ 16 Revocation of preservation trust cannot be compelled—Restrictions on transferability	245
31-§ 17 Transfers Subject to Uniform Fraudulent Transfer Act	245
31-§ 18 Grantor Limited to Single Preservation Trust	245

ESTATES IN REAL PROPERTY —

(TITLE 60, OKLA. STATS. CHAPTER 2)	245
60-§ 71 Appointment of Trustee Where There are Contingent Remainders	245
60-§ 72 Trustee May Make Oil and Gas Leases and Other Mining Leases	246
60-§ 73 Trustee's Authority to Invest Income from Royalties—Payments to Life Tenant or Other Person	246
60-§ 74 Joint Tenancy and Tenancy by Entirety	246
60-§ 74.1 Partial Invalidity	247
60-§ 75 Reformation of Interests Violating Rule Against Perpetuities—Intent	247
60-§ 76 Construction in Accordance with Cy Pres Doctrine	247
60-§ 77 Reformation of Offending Instruments	247
60-§ 78 Applicability to Certain Inter Vivos Instruments, Wills and Appointments	248

USES AND TRUSTS — (TITLE 60, OKLA. STATS. CHAPTER 4.)	248
--	-----

GENERAL PROVISIONS

60-§ 131 Trusts of Real Property	248
60-§ 132 Former Uses Confirmed	248
60-§ 136 Requisites of a Trust	248
60-§ 137 Trust Presumed, When	248
60-§ 140 Surplus Liable to Creditors	249

NOTICE OF EXISTENCE OF TRUST

60-§ 156 Deeds and Conveyances—Words not Giving Notice of Existence of Trust—Recorded Written Evidence	249
60-§ 157 Mortgages—Words not Giving Notice of Existence of Trust	249

INVESTMENTS BY TRUSTEES

60-§ 161 Property in Which Trustee May Invest—Judgment and Care Required	250
--	-----

TABLE OF CONTENTS

60-§ 162	Repealed by Laws 1995, c. 351, § 27, eff. November 1, 1995	250
60-§ 163	Retention of Property Originally Received	250
EXPRESS TRUSTS.....		250
60-§ 171	Trusts Authorized—Powers of Trustee	250
60-§ 172	Express Trust, How Created—Duration—Specification of Duration—Extension of Term	251
60-§ 173	Succession of Trustees	251
60-§ 174	Liability of Trustees and Beneficiaries.....	251
60-§ 174.1	Private Foundations—Governing Instrument Deemed to Contain Certain Provisions—Amendment Without Judicial Proceedings	251
60-§ 174.2	Articles of Incorporation Deemed to Contain Certain Provisions—Amendment.....	253
60-§ 175	Trust for Benefit of Spouse Revoked Upon Death of Maker—Annulment or Divorce—Exemptions	253
OKLAHOMA TRUST ACT (TITLE 60, OKLA. STATS.)		254
60-§ 175.1	Citation of Act	254
60-§ 175.2	Purposes of Trust	254
60-§ 175.3	Definitions of Terms Used.....	254
60-§ 175.4	Legal Estate of Person in Possession and Entitled to Rents and Profits	256
60-§ 175.5	Trustee's Title, when not Divested by Preceding Section..	256
60-§ 175.6	Manner of Creating Trust—Beneficiary as Cotrustee.....	256
60-§ 175.6a	Acquiring and Holding Real Property in Name of Express Trust—Transfer—Memorandum—Presumption for Conveyance by Trustee.....	257
60-§ 175.6b	Time Limit for Challenges to Validity of Prior Conveyances.....	257
60-§ 175.7	Rights of Transferee of Trust Property for Value and Without Notice	258
60-§ 175.8	Transferor of Money or Property not Responsible for Application by Trustee	258
60-§ 175.9	Trustee Lending Funds to Self, Affiliate, Etc.	258
60-§ 175.10	Deposits by Corporate Trustee with Itself—Security	258
60-§ 175.11	Trustee Buying From, or Selling to, Self, Affiliate, etc....	259
60-§ 175.11a	Affiliates of Financial Institutions Acting as Trustees Authorized to Provide Services, Receive Compensation.	259
60-§ 175.12	Trustee Selling to Self as Trustee of Another Trust.....	259
60-§ 175.13	Trustee Purchasing Stock, Bond or Securities of Self, Affiliate, Etc.	260
60-§ 175.14	Trustee Voting Corporate Stock	260
60-§ 175.15	Trustee Owning Stock in Name of Nominee—Exemption	260
60-§ 175.16	Powers of Trustee Attached to Office	261
60-§ 175.17	Cotrustees—Powers and Liabilities.....	261
60-§ 175.18	Action on Trustee Contract—Personal Liability of Trustee—Trustee as General or Limited Partner	262
60-§ 175.19	Torts of Trustee—Exoneration or Reimbursement	263
60-§ 175.20	Actions for Trustee's Torts—Personal Liability of	

	Trustee	264
60-§ 175.21	Duties, Restrictions or Liabilities of Trustee—Trustor May Relieve Trustee or Add Others	265
60-§ 175.22	Repealed by Laws 1999, c. 419, § 4, emerg. eff. June 10, 1999	265
60-§ 175.23	Jurisdiction of District Court Regarding Trusts— Venue—Parties—Applicable Statutes	265
60-§ 175.24	Powers of Trustees—Enumeration—Others not Excluded—Bond of Trustee	266
60-§ 175.25	Alienation of Interest of Beneficiary—Rights and Remedies of Creditors—Spendthrift Trusts—Trustor's Interest Alienable and Subject to Claims of Creditors ..	269
60-§ 175.37	Death of Trustee—Appointment of Successor	270
60-§ 175.38	Resignation of Trustee	270
60-§ 175.39	Removal of Trustee—Filling Vacancies	270
60-§ 175.40	Rights, Duties, etc., of Trustees Appointed by Court	271
60-§ 175.41	Revocation of Trust by Trustor	271
60-§ 175.42	Designation of Person to Whom Property Shall Belong on Failure or Termination of Trust—Transfer Subject to Trust	271
60-§ 175.43	Legal Estate of Grantee or Devisee of Property Subject to Trust	271
60-§ 175.44	Estates Remaining in Trustor	271
60-§ 175.45	Grant Deemed Absolute as to Purchasers or Encumbrances for Value—Notice of Restrictions— Intent of Legislature	272
60-§ 175.46	Repealed by Laws 1949, p. 413, § 4	272
60-§ 175.47	Suspension of absolute power of alienation—Period of suspension	272
60-§ 175.48	Compensation or Commissions of Trustee	273
60-§ 175.49	Trust Ceases When Purpose Ceases	273
60-§ 175.50	Repeals as Reinstating Common Law Rules	273
60-§ 175.51	Tax Statutes to Supersede Act	273
60-§ 175.52	Repealed by Laws 1989, c. 154, § 2, operative July 1, 1989	273
60-§ 175.53	Agreements, Wills and Trust Relations to Which Statute Applicable	273
60-§ 175.54	Situs in Jurisdiction Where Trustee not Qualified to Act—Powers of Trustee	274
60-§ 175.55	Investment of Trust Assets by Bank, Trust Company or Affiliate of Bank or Trust Company	274
60-§ 175.56	Death of Beneficiary Before Distribution—Distribution to Beneficiary's Lineal Descendants	275
60-§ 175.57	Breach of Trust—Remedies—Liability	276
OKLAHOMA UNIFORM PRUDENT INVESTOR ACT		
(TITLE 60, OKLA. STATS.)		279
60-§ 175.60	Short Title	279
60-§ 175.61	Prudent Investor Rule	279
60-§ 175.62	Standard of Care—Portfolio Strategy—Risk and Return Objectives	279
60-§ 175.63	Diversification	280
60-§ 175.64	Duties at Inception of Trusteeship	280

TABLE OF CONTENTS

60-§ 175.65	Loyalty	280
60-§ 175.66	Impartiality.....	280
60-§ 175.67	Investment Costs	280
60-§ 175.68	Reviewing Compliance	281
60-§ 175.69	Delegation of Investment and Management Functions...	281
60-§ 175.70	Language Invoking Standard of the Oklahoma Uniform Prudent Investor Act	281
60-§ 175.71	Application to Existing Trusts.....	282
60-§ 175.72	Uniformity of Application and Construction	282
OKLAHOMA DISCRETIONARY AND SPECIAL NEEDS TRUST ACT — (TITLE 60, OKLA. STATS.)		282
60-§ 175.81	Short Title	282
60-§ 175.82	Definitions	282
60-§ 175.83	Applicable Provisions for Trusts Created or Modified After November 1, 2010	283
60-§ 175.84	Applicable Provisions for Trusts Created Pursuant to Oklahoma Discretionary and Special Needs Trust Act ...	284
60-§ 175.85	Spendthrift Provision.....	285
60-§ 175.86	Distribution, Mandatory, Support, and Discretionary Interests.....	286
60-§ 175.87	Creditor Attachment of Mandatory Distributions	286
60-§ 175.88	Applicable Trust Provisions for Beneficiaries Holding Support Interests	286
60-§ 175.89	Applicable Trust Provisions for Beneficiaries Holding Discretionary Interests	287
60-§ 175.90	Attachment of Present or Future Distributions—Restrictions Limiting Distribution Powers	288
60-§ 175.91	Validity of Trust Provisions	288
60-§ 175.92	Existence of a Spendthrift Provision—Amount the Creditor or Assignee May Reach	289
OKLAHOMA UNIFORM PRINCIPAL AND INCOME ACT (TITLE 60, OKLA. STATS.)		289
60-§ 175.101	Short Title.....	289
60-§ 175.102	Definitions.....	289
60-§ 175.103	Fiduciary Duties—General Principles.....	290
60-§ 175.104	Trustee’s Power to Adjust.....	291
60-§ 175.201	Determination and Distribution of Net Income	293
60-§ 175.202	Distribution to Residuary and Remainder Beneficiaries.....	295
60-§ 175.301	When Right to Income Begins and Ends.....	296
60-§ 175.302	Apportionment of Receipts and Disbursements when Decedent Dies or Income Interest Begins.....	296
60-§ 175.303	Apportionment when Income Interest Ends.....	297
60-§ 175.401	Character of Receipts	297
60-§ 175.402	Distribution from Trust or Estate	298
60-§ 175.403	Business and Other Activities Conducted by Trustee ...	299
60-§ 175.404	Principal Receipts	299
60-§ 175.405	Rental Property.....	300
60-§ 175.406	Obligation to Pay Money	300
60-§ 175.407	Insurance Policies and Similar Contracts	301
60-§ 175.408	Insubstantial Allocations not Required	301

60-§ 175.409	Deferred Compensation, Annuities, and Similar Payments—Allocation to Income.....	302
60-§ 175.410	Liquidating Asset	303
60-§ 175.411	Minerals, Water, and Other Natural Resources	304
60-§ 175.412	Timber	305
60-§ 175.413	Property not Productive of Income	305
60-§ 175.414	Derivatives and Options	306
60-§ 175.415	Asset-Backed Securities	306
60-§ 175.501	Disbursements from Income.....	307
60-§ 175.502	Disbursements from Principal	307
60-§ 175.503	Transfers from Income to Principal for Depreciation....	308
60-§ 175.504	Transfers from Income to Reimburse Principal	309
60-§ 175.505	Income Taxes.....	309
60-§ 175.506	Adjustments Between Principal and Income Because of Taxes	310
60-§ 175.601	Uniformity of Application and Construction.....	311
60-§ 175.602	Application of Act to Existing Trusts and Estates	311
60-§ 175.603	Application of Section 175.409 of Title 60 to Trusts—Particular Dates	311
OKLAHOMA DECANTING ACT		
(TITLE 60, OKLA. STATS.)		311
60-§ 175.701	Short Title.....	311
60-§ 175.702	Definitions.....	311
60-§ 175.703	Distribution to Second Trust: Trustee with Full Discretion	312
60-§ 175.704	Distribution to Second Trust: Trustee with Limited Discretion	313
60-§ 175.705	Trust for Beneficiary with Disability	314
60-§ 175.706	Notice Required.....	315
60-§ 175.707	Written Instrument Required	316
60-§ 175.708	Reference to Trust Terms	316
60-§ 175.709	Settlor of Second Trust.....	316
60-§ 175.710	Court-Ordered Distribution	317
60-§ 175.711	Divided Discretion	317
60-§ 175.712	Later Discovered Assets	317
60-§ 175.713	Other Authority to Distribute in Further Trust Not Limited	318
60-§ 175.714	Need for Distribution Not Required	318
60-§ 175.715	Duties Not Created.....	318
60-§ 175.716	Certain Distributions Prohibited	318
60-§ 175.717	Exceptions to Power of Distribution.....	319
60-§ 175.718	Tax-Related Limitations	319
60-§ 175.719	Compensation of Trustee	320
MARITAL DEDUCTION		
(TITLE 60, OKLA. STATS.)		320
60-§ 181	Unlimited Marital Deduction—Construction of Trust.....	320
POWERS RELATING TO REAL PROPERTY —		
(TITLE 60, OKLA. STATS. CHAPTER 5)		321
60-§ 199	Validity of a Trust for the Care of Domestic or Pet	

TABLE OF CONTENTS

Animals	321
UNIFORM PRUDENT MANAGEMENT OF INSTITUTIONAL FUNDS ACT (TITLE 60, OKLA. STATS.)	322
60-§ 300.11 Short Title	322
60-§ 300.12 Definitions	322
60-§ 300.13 Standard of Conduct in Managing and Investing Institutional Fund	323
60-§ 300.14 Appropriation for Expenditure or Accumulation of Endowment Fund—Rules of Construction	324
60-§ 300.15 Delegation of Management and Investment Functions...	325
60-§ 300.16 Release or Modification of Restrictions on Management, Investment, or Purpose.....	326
60-§ 300.17 Reviewing Compliance	327
60-§ 300.18 Application to Existing Institutional Funds	327
60-§ 300.19 Relation to Electronic Signatures in Global and National Commerce Act	327
60-§ 300.20 Uniformity of Application and Construction	327
OKLAHOMA CHARITABLE FIDUCIARY ACT (TITLE 60, OKLA. STATS.)	327
60-§ 301.1 Short Title.....	327
60-§ 301.2 Legislative Findings and Purpose	328
60-§ 301.3 Definitions.....	328
60-§ 301.4 Fiduciary Capacities	330
60-§ 301.5 Charitable Organizations Authorized to Exercise Certain Powers as Trustees	331
60-§ 301.6 Fidelity Bonds	332
60-§ 301.7 Powers of Charitable Organizations Acting as Trustees of Charitable Trusts—Common Charitable Trust Funds Investments—Reporting—Recovery of Costs— Accounting to Court	333
60-§ 301.8 Private Inurement Prohibited.....	335
60-§ 301.9 Annual Audit	336
60-§ 301.10 Inapplicability of Oklahoma Open Records Act and Oklahoma Open Meeting Act	336
60-§ 301.11 Applicability of Act.....	337
60-§ 301.12 Applicability of Other Laws.....	337
60-§ 301.13 Charitable Organizations Administering Trusts That are not Charitable Trusts	337
RETIREMENT, PENSION, OR PROFIT-SHARING PLAN (TITLE 60, OKLA. STATS.)	337
60-§ 326 Perpetuities and Restraints on Alienation.....	337
60-§ 327 Provisions Against Alienation or Encumbrance.....	338
60-§ 328 Power to Alienate or Encumber—Exemption From Process and Claims	338
MISCELLANEOUS PROVISIONS RELATING TO TRUSTS AND ORGANIZATIONS — (TITLE 60, OKLA. STATS. CHAPTER 20).....	338
60-§ 1101 to 1109 Unconstitutional	338

OKLAHOMA STATUTORY SUPPORT TRUST ACT (TITLE 6, OKLA. STATS.)	338
06-§ 3010 Definition—Form—Fees—Rules	338
MENTAL HEALTH LAW OF 1986 (TITLE 43A, OKLA. STATS.)	344
43A-§ 2-307 Property to State in Trust for Mentally Incompetent or Poor Person—Validity—Minimum Amount	344
GIFTS TO THE STATE AND SUBDIVISIONS OF THE STATE (TITLE 60, OKLA. STATS., CHAPTER 9)	344
60-§ 393 Delivery directly to trustees	344
60-§ 394 Trustees, who are—Bond—Designation of trust estate— Trust fund—Approval of sales—Reports	345
60-§ 395 Powers of cotrustees	346
60-§ 396 Duties additional to other duties—Compensation	347
PART D INCAPACITY, GUARDIANS AND CONSERVATORS	348
OKLAHOMA GUARDIANSHIP AND CONSERVATORSHIP ACT (TITLE 30, OKLA. STATS.)	355
ARTICLE I GENERAL PROVISIONS	355
30-§ 1-101 Short Title	355
30-§ 1-102 Articles in Act	356
30-§ 1-103 Purpose of Act—Legislative Intent	356
30-§ 1-104 Existing Guardianships or Conservatorships— Compliance with Act—Court Review of Cases	357
30-§ 1-105 Guardian Defined	357
30-§ 1-106 Guardians Ad Litem Excluded	357
30-§ 1-107 Ward Defined	357
30-§ 1-108 Guardians Classified	357
30-§ 1-109 General Guardian	358
30-§ 1-110 Special Guardian	358
30-§ 1-111 Definitions	358
30-§ 1-112 Persons and Property Subject to Act—Power of Appointment—Parental Rights	362
30-§ 1-113 Appointment of Guardian—Jurisdiction	362
30-§ 1-114 Powers of Court	363
30-§ 1-115 Venue—Priorities of Jurisdiction—Transfer— Consolidation	364
30-§ 1-116 Place of Hearing—Order and Decree—Practice	365
30-§ 1-117 Guardians Ad Litem—Power to Appoint—Appointment	365
30-§ 1-118 Guardian of Nonresident	365
30-§ 1-119 Powers of Guardian	366
30-§ 1-120 Power of Guardian of The Person—Report of Change of Ward's Abode—Power of Limited Guardians	366
30-§ 1-121 Guardian of the Property—Power—Fiduciary Duty	366
30-§ 1-122 Confidential Information Filed with Court	367
30-§ 1-123 Letters of Guardianship	367
30-§ 1-124 Guardianship and Conservatorship Handbook and	

TABLE OF CONTENTS

	Duties Summary	368
30-§ 1-125	Computation of time	368
ARTICLE II MINORS		368
30-§ 2-101	Guardian of Minor to be Appointed, When—Petition— Notice	368
30-§ 2-102	Nominations of Guardian	370
30-§ 2-103	Nomination and Appointment of Guardian—Age of Minor	371
30-§ 2-104	Nomination of Guardian by Minor at 14 Years of Age— Approval of Court	371
30-§ 2-105	Appointment When Ward's Nominee Ineligible.....	371
30-§ 2-106	Appointment of Parents as Guardians.....	371
30-§ 2-107	Guardian in Charge of Education of Minor	372
30-§ 2-108	Education and Maintenance of Minor—Income From Property of Minor—Guardianship of Minor with Living Parent—Child Support	372
30-§ 2-109	Conditions of Appointment.....	373
30-§ 2-110	Investments Authorized	373
30-§ 2-111	Contracts on Lives of Wards and Beneficiaries of Trust Funds	374
30-§ 2-112	Interest of Guardian	374
30-§ 2-113	Power of Guardian Appointed by Parent Ceases, When ...	374
30-§ 2-114	Release of Minor Ward at Majority.....	374
30-§ 2-115	Limitation of Discharge by Court	374
30-§ 2-116	Delivery of Up to \$10,000 of Minor's Estate to Custodian, Parent or Minor	374
30-§ 2-117	Custody by Abandonment of a Minor—Qualified Relative.	375
ARTICLE III ADULTS.....		382
APPOINTMENT OF GUARDIAN		382
30-§ 3-101	Petition for Appointment of Guardian	382
30-§ 3-102	Nomination of Guardians or Alternate Guardians by Adult—Priorities of Nominations.....	383
30-§ 3-102.1	Initiation of Guardianship Proceedings for Minors at Least 17 Years and 6 Months of Age	384
30-§ 3-103	Nomination of Guardian or Limited Guardian by Will	384
30-§ 3-104	Priorities for Selection by Court of Guardian or Limited Guardian—Appointment of Organization— Determination of Suitability—Appointment of Public Agency.....	384
30-§ 3-105	Court Appointment Where Nominee is Unable, Unwilling or Cannot Qualify to Serve.....	386
30-§ 3-106	Rights of Individual Alleged to be or Found to be Incapacitated or Partially Incapacitated— Confidentiality—Relief from Costs and Fees—Record ...	386
30-§ 3-106.1	Court-Appointed Advocates for Vulnerable Adults Programs	387
30-§ 3-107	Appointment of Counsel—Explanation and Inquiry by Court—Replacement of Appointed Counsel— Determination of Independence of Retained Counsel— Record	390

30-§ 3-108	Evaluations of Subject of Proceeding	392
30-§ 3-109	Hearing on Petition—Setting of Date	393
30-§ 3-110	Notice of Hearing	394
30-§ 3-111	Determination by Court—Order Appointing Guardian— Explanation on Record	396
30-§ 3-112	Appointment of Guardians or Limited Guardians	396
30-§ 3-113	Order Appointing Guardian—Specific Determinations of Capacity—Submission of Guardianship Plan—Other Orders	397
30-§ 3-114	Assignment of Powers to Limited Guardian— Endorsement of Limitation or Specification of Assets Upon Letters of Guardianship	398
30-§ 3-115	Appointment of Special Guardian—Powers—Duration— Bond—Removal	399
30-§ 3-116	Proceedings to Determine Restoration to Capacity	401
30-§ 3-117	Presumption of Capacity When Guardian Discharged Without Appointment of Another	401
30-§ 3-118	Duties and Powers of Guardian or Limited Guardian	401
30-§ 3-119	Limitation of Powers of Guardian	402
30-§ 3-120	Proposed Plan for Care and Treatment of Ward	403
30-§ 3-121	Disposition of Financial Resources Under Supervision and Control of Guardian or Limited Guardian— Petition for Restoration of Capacity	405
30-§ 3-122	Proposed Plan for Management of Financial Resources of Ward	406
30-§ 3-123	Sale or Lease of Homestead of Incapacitated or Partially Incapacitated Person	407
30-§ 3-124	Sale or Lease of Real Property by Guardian—Approval— Joinder of Spouse	407
30-§ 3-125	Application—Sections 60 and 61 Cumulative	408
30-§ 3-126	Estates of Incapacitated or Partially Incapacitated Persons not Exceeding \$10,000—Disposition— Discharge and Release	408
APPOINTMENT OF CONSERVATOR		408
30-§ 3-211	Petition for Appointment of Conservator by Reason of Physical Disability—Consent—Notice and Hearing	408
30-§ 3-212	Appointment of Conservator—Consent Necessary	409
30-§ 3-213	Persons Ineligible for Appointment as Conservator	409
30-§ 3-214	Care, Custody and Management of Estate—Bond	409
30-§ 3-215	Powers and Duties of Conservator—Jurisdiction of Court	409
30-§ 3-216	Discharge of Conservator—Accounting	410
30-§ 3-217	Compensation of Conservator	410
30-§ 3-218	Subsequent Appointment of Guardian of Ward—Effect on Estate	410
30-§ 3-219	Limitation on Right of Ward to Contract	410
30-§ 3-220	Validation of Prior Conservatorships	410
ARTICLE IV MISCELLANEOUS PROVISIONS		411
ELIGIBILITY FOR APPOINTMENT TO GUARDIANSHIP		411
30-§ 4-101	Appointment as Guardian of More than Five Wards	

TABLE OF CONTENTS

	Prohibited—Exceptions	411
30-§ 4-102	Violations—Punishment	411
30-§ 4-103	Disqualification by Financial Relations with District Court Judge—Removal of Ineligible Guardians—Liability for Continuing to Act—Removal of Judge	411
30-§ 4-104	Eligibility of Nonresidents—Foreign Trust Companies or Institutions—Domestic Corporations or Trust Companies	412
30-§ 4-105	Inquiry into Suitability of Person Proposed to Serve as Guardian	413
BOND		415
30-§ 4-201	Guardian's Bond	415
30-§ 4-202	Request for Security or Bond—Suspension of Powers— Order	416
30-§ 4-203	Requirement of New Bonds—Discharge of Sureties on Old Bond	416
30-§ 4-204	Preservation of Bonds—Breach of Condition—Actions on Bonds	416
30-§ 4-205	Limitation of Action on Bond—Effect of Disability	416
INVENTORY, ACCOUNTING AND REPORTS		417
30-§ 4-301	Inventory and Account of Estate of Ward—Appraisal— Waiver of Inventory Prohibited	417
30-§ 4-303	Settlement and Allowance of Accounts—Reports to Court—Accounting Informations—Date Certain for Next Annual Report	417
30-§ 4-304	Account by One of Joint Guardians	419
30-§ 4-305	Report on Guardianship of Person—Requirements— Attachments	419
30-§ 4-306	Report on Guardianship or Limited Guardianship of Property—Requirements—Attachments—Review of Financial Resources	421
30-§ 4-307	Mailing of Copies of Annual Report—Objections to Report—Hearing—Order Granting Immediate Relief— Order for Compensation—New Bond—Appointment of Counsel to Represent Ward	424
30-§ 4-308	Application for Relief—Notice—Hearing—Order— Appointment of Counsel to Represent Ward—Joinder of Separate Applications or Objections—Evaluation of Ward—Hearing Without Notice	426
EXPENSES, COMPENSATION AND COSTS		428
30-§ 4-401	Expenses and Compensation of Guardians	428
30-§ 4-402	Joint Guardians—Compensation	429
30-§ 4-403	Compensation for Attorneys, Guardians Ad Litem and Persons Conducting Evaluations	429
30-§ 4-404	Costs—Appointment of Guardian to Authorize Entry Into Armed Forces	430
JOINT GUARDIANS		431
30-§ 4-501	Appointment of More than One Guardian—Bond	431
30-§ 4-502	Two or More Guardians	431

30-§ 4-503	Death of Joint Guardian	431
NONRESIDENT WARDS		431
30-§ 4-601	Guardian for Nonresident Ward—Notice of Hearing.....	431
30-§ 4-602	Powers of Nonresident's Guardian Same as in Other Cases.....	432
30-§ 4-603	First Appointment is Exclusive.....	432
30-§ 4-604	Bond of Guardian of Nonresident	432
30-§ 4-605	Removal of Property	432
30-§ 4-606	Application for Removal—Requirements	433
30-§ 4-607	Order for Removal Discharges Local Guardian.....	433
POWERS AND DUTIES OF GUARDIAN		433
30-§ 4-701	Payment of Debts	433
30-§ 4-702	Collection and Settlement of Accounts and Appearance for Ward in Suits—Compromise and Settlement of Claims	434
30-§ 4-703	Discharge and Release.....	434
30-§ 4-704	Service Upon Guardian—Duty of Guardian.....	434
30-§ 4-705	Management of Estate—Income Applied for Support of Ward—Sale of Realty	434
30-§ 4-706	Maintenance and Support of Ward—Credit on Settlement—Payment of Third Person Furnishing Necessaries on Guardian's Refusal.....	435
30-§ 4-707	Execution of Waivers or Consents for Wards.....	435
30-§ 4-708	Investment of Money and Proceeds of Sales	435
30-§ 4-709	Investment of Monies Belonging to Estates—Purchase of Homesteads for Incapacitated or Partially Incapacitated Persons	436
30-§ 4-710	Resources—Protective Arrangement—Transfer— Convey—Hearing—Bonds	437
SALE OF PROPERTY		439
30-§ 4-751	Income Insufficient for Maintenance—Sale of Property Necessary	439
30-§ 4-752	Sale of Property for Investment	439
30-§ 4-753	Proceeds of Sale—Investment—Maintenance of Ward and Family	439
30-§ 4-754	Petition for Sale—Verification	440
30-§ 4-755	Hearing, Notice and Order.....	440
30-§ 4-756	Mailing or Publication of Order—Waiver of Notice.....	440
30-§ 4-757	Hearing Upon Order—Protests.....	441
30-§ 4-758	Partition of Real Estate—Assent to—Approval of Court ..	441
30-§ 4-759	Sale of Oil, Gas, Mining Leases	441
30-§ 4-760	Testimony—Witnesses—Attendance and Examination Of.	441
30-§ 4-761	Costs Awarded Prevailing Party on Hearing of Objections to Order	441
30-§ 4-762	Order for Sale—Public or Private Sale	442
30-§ 4-763	Sale Bond by Guardian.....	442
30-§ 4-764	Sales Governed by Same Law as in Estates of Decedents.	442
30-§ 4-765	Order in Force for One Year Only.....	443
30-§ 4-766	Terms of Sale—Security	443

TABLE OF CONTENTS

30-§ 4-767	Limitation of Action for Recovery of Estate Sold—Disability and Removal Thereof	443
30-§ 4-768	Exchange of Property Held by Ward or Wards in Common—Notice	443
30-§ 4-769	Sale of Perishable Property—Report—Good Faith Determination of Perishability	444
30-§ 4-770	Former Leases Legalized	444
SUSPENSION, REMOVAL OR TERMINATION OF GUARDIAN		444
30-§ 4-801	Removal of Guardians	444
30-§ 4-802	Suspension of Power of Guardian—Marriage of Incapacitated or Partially Incapacitated Person	445
30-§ 4-803	Termination of Authority and Responsibility of Guardian or Conservator—Removal—Resignation—Final Account—Notice and Hearing	445
30-§ 4-804	Termination of Guardianship When Unnecessary	447
30-§ 4-805	Distribution of Personal Property of Intestate Ward	447
CIVIL LIABILITY—CONCEALMENT OR EMBEZZLEMENT OF PROPERTY		447
30-§ 4-901	Civil Liability of Guardians or Petitioners—Damages	447
30-§ 4-902	Citation for Concealment or Embezzlement	448
30-§ 4-903	Reporting of Abuse, Neglect, or Exploitation—Violation and Penalty—Civil Liability	448
CRIMINAL LIABILITY		449
30-§ 4-904	Concealment or Removal From Jurisdiction of Certain Persons	449
UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT		449
ARTICLE 1 GENERAL PROVISIONS		449
30-§ 3-301	Short Title	449
30-§ 3-302	Definitions	450
30-§ 3-303	Communication Between Courts	450
30-§ 3-304	Requests Between Courts in Guardianship or Protective Proceedings	451
30-§ 3-305	Testimony of a witness located in another state	451
ARTICLE 2 JURISDICTION		452
30-§ 3-306	Definitions—Applicability	452
30-§ 3-307	Jurisdictional Basis for Appointing a Guardian or Issuing a Protective Order	453
30-§ 3-308	Jurisdictional Requirements for Appointing a Guardian or Issuing a Protective Order	453
30-§ 3-309	Special Jurisdiction	453
30-§ 3-310	Continuing Jurisdiction Over Proceeding	454
30-§ 3-311	Factors for Declining Jurisdiction	454
30-§ 3-312	Jurisdiction Acquired Through Unjustifiable Conduct	455
30-§ 3-313	Notice of Petition in Home State of Respondent	455
30-§ 3-314	Rules for Filing of Petitions in Multiple States	455

ARTICLE 3 TRANSFER OF GUARDIANSHIP OR CONSERVATORSHIP.	456
30-§ 3-315 Transfer of Guardianship or Conservatorship— Notification of Petition	456
30-§ 3-316 Confirmation of Transfer of Guardianship or Conservatorship	457
ARTICLE 4 REGISTRATION AND RECOGNITION OF ORDERS FROM OTHER STATES	458
30-§ 3-317 Registration of Out-of-State Guardianship Order	458
30-§ 3-318 Registration of Out-of-State Protective Order	458
30-§ 3-319 Use of Authorized Powers	458
ARTICLE 5 MISCELLANEOUS PROVISIONS	459
30-§ 3-320 Applying and Construing the Act	459
30-§ 3-321 Relation to Electronic Signatures in Global and National Commerce Act	459
30-§ 3-322 Application of Act	459
HOME CARE ACT (TITLE 63, OKLA. STATS., CH. 1—ART. 19)	459
63-§ 1-1968 Eligibility to Serve as Guardian of Client.....	459
SERVICES FOR THE ELDERLY AND FOR INCAPACITATED ADULTS ACT (TITLE 43A, OKLA. STATS., CH. 1).....	460
43A-§ 10-101 Short Title	460
43A-§ 10-102 Purpose.....	460
43A-§ 10-104 Report of a Possible Abused Person—Contents—False Report	460
43A-§ 10-105 Investigation of Report	463
43A-§ 10-105.1 Summary and Written Description of Investigation Process	466
43A-§ 10-106 Voluntary Protective Services.....	468
43A-§ 10-107 Involuntary Protective Services	469
43A-§ 10-108 Emergency Protective Services—Extension of Protective Services.....	471
43A-§ 10-109 Utilization of Available Services.....	477
43A-§ 10-109a Uniform Policy Detailing Employee Duties and Responsibilities.....	477
43A-§ 10-110 Confidentiality of Records and Reports.....	478
43A-§ 10-110.1 Public Disclosure of Information Relating to Charges Against Caretaker Commits Crime Against Vulnerable Adult Resulting in Death or Near Death of Vulnerable Adult	480
43A-§ 10-111 Jurisdiction of District Courts	481
43A-§ 10-111.1 Vulnerable Adult Abuse, Neglect and Exploitation Report	482
43A-§ 10-112 Vulnerable Adult Intervention Task Force	483
43A-§ 10-113 Notification of Criminal Liability for Caretakers.....	484
43A-§ 10-114 Training for Adult Protective Services Specialists.....	484
43A-§ 10-115 Multidisciplinary Team for Investigation and Prosecution of Elder or Vulnerable Abuse.....	484

TABLE OF CONTENTS

CONSERVATORS FOR ESTATE AND PROPERTY OF ABSENTEES		
(TITLE 60, OKLA. STATS., CH. 8)		486
60-§ 361	Absentees, who are—Authority to appoint conservator— Notice of hearing—Production of official statement	486
60-§ 362	Discretion of court—Bond of appointee	487
60-§ 363	Powers and authority of conservator	487
60-§ 364	Oath of office	488
60-§ 365	Reports and accounts—Fees for services	488
60-§ 366	Removal of conservator	488
60-§ 367	Termination of conservatorship	488
PARENTS BILL OF RIGHTS		
(TITLE 25, OKLA. STATS.)		488
25-§ 2001	Short title—Parents’ Bill of Rights—Scope of rights	488
25-§ 2002	Parental rights	489
25-§ 2003	School district policy on parental involvement— Information to provide to parents	490
25-§ 2004	Written consent required for medical treatment of minors—Exceptions—Penalties	492
25-§ 2005	Written consent required for mental health treatment of minors—Exceptions—Penalties	493
PERSONS CAPABLE OF CONTRACTING, DISABILITIES, CAPACITY, AND DISAFFIRMANCE		
(TITLE 15, CHAPTER 1 OKLA. STATS.)		494
15-§ 11	Persons authorized to contract	494
15-§ 12	Capacity of certain classes	494
15-§ 13	Minors defined—Computing period of minority	494
15-§ 14	Adults	495
15-§ 15	Status of unborn child	495
15-§ 16	Persons of unsound mind, who are	495
15-§ 17	Disability of Minor—What Contracts Prohibited	495
15-§ 18	Contracts which minor may make	495
15-§ 19	Disaffirmance of minor’s contract	495
15-§ 20	Necessaries—What contracts may not be disaffirmed	495
15-§ 21	Disaffirmance of contracts authorized by statute	496
15-§ 22	Persons without understanding—Contracts—Necessaries	496
15-§ 23	Rescission by person of unsound mind	496
15-§ 24	Judicial determination of incapacity, contracts after—Wills after restoration	496
15-§ 25	Civil liability of minors and incompetents	496
15-§ 26	Exemplary damages, minors’ and incompetents’ liability for .	496
15-§ 27	Minor may enforce rights by civil action—Guardian	497
15-§ 28	Identity of parties to contract	497
15-§ 29	Beneficiary may enforce	497
15-§ 31	Uniform Minor Student Capacity to Borrow Act	497
15-§ 32	Definitions	497
15-§ 33	Enforceable obligations	498
15-§ 34	Construction	498
CONVEYANCES		
(TITLE 16 OKLA. STATS.)		498

CHAPTER 1 GENERAL PROVISIONS.....	498
16-§ 1 Persons who may convey—Married persons—Legal entities...	498
16-§ 2 Witness not necessary	499
16-§ 3 Attorney-in-fact	499
16-§ 4 Necessity of writing and signing—Veterans' loans— Homestead—Joinder of husband and wife—Effect of record for 10 years.....	499
16-§ 6 When husband or wife may convey homestead.....	500
16-§ 7 Husband or wife of incapacitated spouse may sell, convey, lease or mortgage homestead held in joint tenancy	500
16-§ 8 Verified petition to be filed	500
16-§ 9 Copy of petition to be served	500
16-§ 9.1 Notice of sale—Orders	501
16-§ 10 Order of sale to be entered of record	501
16-§ 11 Estoppel by receiving benefits	501
16-§ 32 Minor may hold real estate—Estates to commence in future.	501
16-§ 74 Filing of notice of claim—Disability or lack of knowledge— Thirty-year possession as deemed equivalent to filing notice.....	501
16-§ 87 Recordation of electronic documents in tangible form	502
PART E POWERS OF ATTORNEY	505
UNIFORM STATUTORY FORM POWER OF ATTORNEY ACT	
(TITLE 15, OKLA. STATS.)	507
15-§ 1001 Short Title	507
15-§ 1002 Purpose.....	507
15-§ 1003 Statutory Form.....	507
15-§ 1004 Durability	509
15-§ 1005 Construction	509
15-§ 1006 Real Property Transactions	510
15-§ 1007 Tangible Personal Property Transactions	511
15-§ 1008 Stock and Bond Transactions.....	512
15-§ 1009 Commodity and Options Transactions.....	512
15-§ 1010 Banking Transactions	512
15-§ 1011 Business Operating Transactions	513
15-§ 1012 Insurance Transactions.....	514
15-§ 1013 Estates and Trusts.....	515
15-§ 1014 Claims and Litigation	516
15-§ 1015 Personal and Family Maintenance.....	517
15-§ 1016 Government Benefits	518
15-§ 1017 Retirement Plans	518
15-§ 1018 Tax Matters.....	518
15-§ 1019 Existing and Foreign Interests	519
15-§ 1020 Application and Construction.....	519
CONVEYANCES	
(TITLE 16, OKLA. STATS.)	519
16-§ 3 Attorney-in-Fact	519
16-§ 20 Power of Attorney—Execution—Recording.....	520
16-§ 21 Revocation of Power of Attorney	520

TABLE OF CONTENTS

SUPERVISED POWERS OF ATTORNEY	
(TITLE 58, OKLA. STATS.)	520
16-§ 1063 Supervised Power of Attorney	520
ATTORNEYS-IN-FACT	
(TITLE 58, OKLA. STATS.)	522
58-§ 1081 Standards of Conduct and Liability	522
UNIFORM POWER OF ATTORNEY ACT	
(TITLE 58, OKLA. STATS.)	522
58-§ 3001 Short Title	522
58-§ 3002 Definitions	522
58-§ 3003 Powers Effected—Exceptions	524
58-§ 3004 Termination of the Power of Attorney	524
58-§ 3005 Power of Attorney—Signatures	524
58-§ 3006 Power of Attorney—Valid Execution and Copies	524
58-§ 3007 Power of Attorney—Meaning and Effect	525
58-§ 3008 Appointment and Nomination of a Guardian of the Principal's Estate	525
58-§ 3009 When Power of Attorney Becomes Effective	525
58-§ 3010 Termination and Revocation of Power of Attorney and Agent's Authority	526
58-§ 3011 Designation of Coagents, Designation of Successor Agents, and Breach of Fiduciary Duty by Other Agents	527
58-§ 3012 Reimbursement of Expenses and Compensation	527
58-§ 3013 Acceptance of Appointment as an Agent Under Power of Attorney	528
58-§ 3014 Appointed Agents—Duties, Liability Exemptions, Special Skills or Expertise, and Disclosure of Receipts, Disbursements, and Transactions	528
58-§ 3015 Relief of Agent's Liability for Breach of Duty—Exceptions	529
58-§ 3016 Petitioning a Court to Construe Power of Attorney or Review the Agent's Conduct	530
58-§ 3017 Agent's Violation—Penalties	530
58-§ 3018 Agent Resignation	530
58-§ 3019 Good Faith Acceptance and Acknowledgement of Power of Attorney; English Translation or Opinion of Counsel	531
58-§ 3020 Acceptance of an Acknowledged Power of Attorney; Requests for a Certification, a Translation, or an Opinion of Counsel; When a Person Is Not Required to Accept an Acknowledged Power of Attorney; Refusal to Accept an Acknowledged Power of Attorney in Violation of this Act ..	532
58-§ 3021 Principles of Law and Equity	533
58-§ 3022 Other Laws Control if Inconsistent with this Act	533
58-§ 3023 Non-Exclusive Remedies	533
58-§ 3024 Agents—Authority and Restrictions	533
58-§ 3025 Agents—General Authority and Authority Incorporated by Reference	534
58-§ 3027 Agent's Authority—Real Property	534
58-§ 3028 Agent's Authority—Tangible Personal Property	535
58-§ 3029 Agent's Authority—Stocks and Bonds	536
58-§ 3030 Agent's Authority—Commodities and Options	536

58-§ 3031	Agent's Authority—Banks and Other Financial Institutions	537
58-§ 3032	Agent's Authority—Operation of an Entity or Business	538
58-§ 3033	Agent's Authority—Insurance and Annuities	539
58-§ 3034	Agent's Authority—Estates, Trusts, and Other Beneficial Interests.....	540
58-§ 3035	Agent's Authority—Claims and Litigation	541
58-§ 3036	Agent's Authority—Personal and Family Maintenance.....	542
58-§ 3037	Agent's Authority—Benefits from Governmental Programs or Civil or Military Service.....	543
58-§ 3038	Agent's Authority—Retirement Plans	544
58-§ 3039	Agent's Authority—Taxes	544
58-§ 3040	Agent's Authority—Gifts	545
58-§ 3041	Form Templates—Creating Power of Attorney	546
58-§ 3042	Form Templates—Agents—Certifying	551
58-§ 3043	Considerations—Need to Promote Uniformity of the Law .	552
58-§ 3044	Effect on the Federal Electronic Signatures in Global and National Commerce Act	552
58-§ 3045	Application of this Act on Power of Attorney Created Before, On, or After November 1, 2021	552
PART F HEALTH CARE DECISIONS.....		554
1 PATIENT SELF-DETERMINATION		562
HYDRATION AND NUTRITION FOR INCOMPETENT PATIENTS ACT...		562
63-§ 3080.1	Short Title	562
63-§ 3080.2	Definitions	563
63-§ 3080.3	Presumption of Hydration and Nutrition Sufficient to Sustain Life.....	563
63-§ 3080.4	Presumption of Nutrition and Hydration, when Inapplicable.....	563
63-§ 3080.5	Withdrawing Treatment or Care	565
NONDISCRIMINATION IN TREATMENT ACT		565
63-§ 3090.1	Short Title—Nondiscrimination in Treatment Act	565
63-§ 3090.2	Definitions	565
63-§ 3090.3	Nondiscrimination in Treatment	566
63-§ 3090.4	Injunctive relief	566
OKLAHOMA ADVANCE DIRECTIVE ACT.....		566
63-§ 3101.1	Short Title	566
63-§ 3101.2	Purpose—Protection for Proxies and Health Care Providers—Certain Acts Not Condoned, Authorized or Approved	566
63-§ 3101.3	Definitions	567
63-§ 3101.4	Advance Directive—Execution—Specific Nutrition/ Hydration Provision—Form—Inclusion in Declarant's Medical Records—Authority of Proxy—Designation Based on Religious Beliefs or Tenets	568
63-§ 3101.5	Advance Directive—When Operative—Multiple	

TABLE OF CONTENTS

	Directives	574
63-§ 3101.6	Advance Directive—Revocation	574
63-§ 3101.7	Physician’s Determination to Become Part of Patient’s Medical Record.....	575
63-§ 3101.8	Patient’s Right to Make Decisions Regarding Life-Sustaining Treatment—Patient’s Comfort and Alleviation of Pain—Pregnant Patient	575
63-§ 3101.9	Physician or Health Care Provider Unwilling to Comply With Act	575
63-§ 3101.10	Civil and Criminal Liability and Disciplinary Actions ..	576
63-§ 3101.11	Acts Constituting Unprofessional Conduct—Acts Constituting Felonies—Sanctions.....	576
63-§ 3101.12	Interpretation, Construction and Application of Act.....	577
63-§ 3101.13	Presumption of Validity of Advance Directive	578
63-§ 3101.14	Directives Executed Out-of-State	578
63-§ 3101.15	Directives Executed Prior to Change in Law	578
63-§ 3101.16	Treatment Decisions to be Based on Known Intentions, Personal Views and Best Interests of Declarant	579
63-§ 3102.1	Advance directives registry database	579
63-§ 3102.2	Advance directive forms database.....	580
63-§ 3102.3	Patient disclosure relating to advanced directives forms and registry	580
63-§ 3102A	Informed Consent—Consent of Guardian in Case of Incapacity	581
	OKLAHOMA DO-NOT-RESUSCITATE ACT	582
63-§ 3131.1	Short Title	582
63-§ 3131.2	Legislative Intent	582
63-§ 3131.3	Definitions	582
63-§ 3131.4	Health Care Presumption and Exceptions—Health Care Agencies Not Required to Provide Certain Treatment, Facilities or Services	583
63-§ 3131.5	Consent Form	585
63-§ 3131.6	Compliance Required	588
63-§ 3131.7	Revocation of Consent	588
63-§ 3131.8	Protection from Criminal Prosecution, Civil Liability and Professional Discipline.....	589
63-§ 3131.9	Certain Conditions for Insurance Prohibited	589
63-§ 3131.10	Consent or Order to Accompany Person	590
63-§ 3131.11	Effect of Act	590
63-§ 3131.12	Duties of the Department of Human Services.....	590
63-§ 3131.13	Construction of Act	591
63-§ 3131.14	Application of Act.....	591
	ASSISTED SUICIDE PREVENTION ACT.....	592
63-§ 3141.1	Short Title—Legislative Intent	592
63-§ 3141.2	Definitions	592
63-§ 3141.3	Violations	592
63-§ 3141.4	Acts not Constituting Violations	592
63-§ 3141.5	Injunctions—Persons Who May Bring.....	593
63-§ 3141.6	Actions for Damages—Persons Who May Bring.....	593
63-§ 3141.7	Attorney Fees.....	593
63-§ 3141.8	Revocation or Suspension of License or Certificate	594

ADVANCE DIRECTIVES FOR MENTAL HEALTH TREATMENT ACT	594
43A-§ 11-101 Short Title	594
43A-§ 11-102 Legislative Findings	594
43A-§ 11-103 Definitions	595
43A-§ 11-104 Execution—Rights not Affected—Presumptions	596
43A-§ 11-105 Validity—Witnesses—Eligibility as Attorney-in-Fact	597
43A-§ 11-106 Form of Advance Directive—Designation and Authority of Attorney-in-Fact	597
43A-§ 11-107 When Advance Directive Becomes Operative— Contrary or Conflicting Instructions Given by Attorney-in-Fact	601
43A-§ 11-108 Delivery of Advance Directive to Attending Physician or Psychologist—Duty of Attending Physician or Other Mental Health Treatment Provider	602
43A-§ 11-109 Revocation—Actual Notice	602
43A-§ 11-110 Informed Consent—Examination and Certification of Incapacity—Conflicting Instructions—Transfer When Unable to Comply With Directive	603
43A-§ 11-111 Petition for Appointment of Guardian	605
43A-§ 11-112 Immunity from Civil or Criminal Liability	605
43A-§ 11-113 Violations—Penalties	606
HEALTH SERVICES FOR MINORS	606
63-§ 2601 Definitions	606
63-§ 2602 Right of Self-Consent Under Certain Conditions—Doctor Patient Privileges	607
63-§ 2603 Payment for Services	608
63-§ 2604 Safeguards to Protect Minor	608
63-§ 2605 Providing of Health Care Not Mandatory	609
2 MENTAL HEALTH	609
MENTAL HEALTH LAW OF 1986 (TITLE 43A, CHAPTER 1, OKLA. STATS.)	609
SHORT TITLE, PURPOSE, DEFINITIONS, POLICY	609
43A-§ 1-103 Definitions	609
43A-§ 1-105 Mental or Legal Incompetence — Presumptions	614
43A-§ 1-107 Venue of Actions—Hearings	614
43A-§ 1-108 Habeas Corpus—Notice—Evidence	615
43A-§ 1-109 Confidential and Privileged Information—Disclosure	616
43A-§ 1-109.1 Treatment Advocates	621
CARE AND TREATMENT OF PATIENTS	622
43A-§ 4-101 Humane Care and Treatment — Food — Discipline — Medical Care	622
43A-§ 4-102 Individualized Treatment Plans — Requirements	622
43A-§ 4-103.1 Custody and Control of Consumer—Responsibility for Care and Treatment	623
43A-§ 4-104 Surgical Operations—Notice—Emergency	623
43A-§ 4-105 Service of Court Citation, Order or Process—Return— Effect	623

TABLE OF CONTENTS

43A-§ 4-106	Mechanical Restraints—Record	623
43A-§ 4-107a	Visitation Privileges—Mail or Other Communication— Telephones	624
43A-§ 4-108	Labor by Consumers—Work Therapy—Compensation...	625
COSTS OF TREATMENT AND CARE		626
43A-§ 4-201	Liability of Consumer and Estate for Cost of Care and Treatment	626
43A-§ 4-202	Amount Payable for Care and Treatment—Inability to Pay	626
43A-§ 4-203	Reduction or Waiver of Liability—Report as to Ability— Information From Tax Commission	626
43A-§ 4-204	Time of Payment—Statement of Sum Due	627
43A-§ 4-205	Payment by Guardian—Collection by Legal Proceeding ..	627
43A-§ 4-206	Proof of Indebtedness—Disposition of Money Collected..	628
ADMISSION TO INSTITUTIONS		628
43A-§ 5-101	Procedures for Admission to State Facility, Psychiatric Hospital or Private Institution.....	628
43A-§ 5-103	Unlawful or Malicious Confinement in Institution	629
43A-§ 5-104	False Attestation—Penalty.....	629
RIGHTS OF DETAINED OR CONFINED PERSONS		630
43A-§ 5-201	Rights of Detained Persons upon Entry into Facility	630
43A-§ 5-202	Confinement of Persons Alleged or Adjudged Mentally Ill, Alcohol-Dependent or Drug-Dependent	630
43A-§ 5-203	Conveying Females to Facility—Female Assistants— County Expense	630
43A-§ 5-204	Appropriate Treatment and Medication— Nonconsenting Individuals—Immunity—Seclusion or Restraint—Hearings While Under Influence of Psychotropic Medication—Inmates Committed to Special Care Unit.....	631
43A-§ 5-206	Definitions.....	632
43A-§ 5-207	Local Law Enforcement Mental Health Manpower Act ..	633
43A-§ 5-208	Initial Assessments—Emergency Detention—Release ...	635
43A-§ 5-209	Additional Period of Detention—Petition—Order— Notification of Interested Parties of Detention.....	637
MENTAL HOSPITAL VOLUNTARY ADMISSION PROCEDURES ACT		638
43A-§ 5-301	Citation	638
43A-§ 5-301.1	Person Defined.....	638
43A-§ 5-302	Informal Consumers—Admission.....	638
43A-§ 5-303	Refusal to Admit Informal Consumer—Liability.....	639
43A-§ 5-304	Voluntary Admission to State Facilities—Cost of Care and Treatment—Bond	639
43A-§ 5-305	Application for Voluntary Admission	640
43A-§ 5-306	Certificate of Physician	640
43A-§ 5-307	Questioning of Applicant by Judge of the District Court—Order	640
43A-§ 5-308	Order Authorizing Admission	641
43A-§ 5-309	Detention Against Will Prohibited—Notice of Desire To	

	Be Discharged	641
43A-§ 5-310	Mental Health Law Provisions Applicable.....	642
43A-§ 5-311	Procedure as Cumulative.....	642
INVOLUNTARY COMMITMENT PROCEDURE.....		642
43A-§ 5-410	Petition Regarding Person Requiring Treatment	642
43A-§ 5-411	Rights of Individual Alleged to Require Treatment.....	643
43A-§ 5-412	Notice	645
43A-§ 5-413	Prehearing Detention	647
43A-§ 5-414	Evaluations	648
43A-§ 5-415	Hearing—Order—Records	649
43A-§ 5-416	Alternatives to Hospitalization	651
43A-§ 5-417	Precommitment Examination — Matters Included.....	656
43A-§ 5-418	Precommitment Screening Examination — Copy of Order to be Provided Examinee — Explanation of Examination	656
43A-§ 5-419	Modification Order — Notice — Contents of Notice.....	657
43A-§ 5-420	Review of Status of Persons Involuntarily Committed for Treatment	658
INPATIENT MENTAL HEALTH AND SUBSTANCE ABUSE TREATMENT OF MINORS ACT		658
43A-§ 5-501	Short Title—Legislative Intent	658
43A-§ 5-502	Definitions.....	659
43A-§ 5-503	Voluntary and Involuntary Admission for Treatment	663
43A-§ 5-504	Jurisdiction—Venue—Powers of Court.....	666
43A-§ 5-505.1	Protective Custody—Statements—Initial Assessment .	667
43A-§ 5-506	Initial Assessment—Emergency Admission or Detention—Evaluation—Hearing.....	669
43A-§ 5-507	Admission of Alleged Deprived Child or Ward of Court—Initial Assessment—Mental Health Evaluation—Petition—Parent Having Physical Custody.....	670
43A-§ 5-508	Mental Health Evaluation—Contents and Signature— Records	671
43A-§ 5-509	Filing of Petition—Contents—Proposed Individual Treatment Plan.....	671
43A-§ 5-510	Notice of Hearing on Petition—Appointment of Attorney—Evaluation Report	673
43A-§ 5-511	Hearings—Right to Trial by Jury.....	674
43A-§ 5-512	Commitment to Treatment Facility—Evidence Required—Least Restrictive Alternative—Review of Commitment	675
43A-§ 5-513	Individualized Treatment Plan—Discharge Plan	676
TRANSFER AND RELEASE—NONRESIDENTS		677
43A-§ 6-101	Nonresident Consumers—Transfer to State of Residence.....	677
43A-§ 6-102	Transfer to Federal Agency for Care and Treatment.....	678
43A-§ 6-103	Residents of state in institutions of other states— Admission to Oklahoma institution	679
43A-§ 6-104	Bringing Poor or Indigent Person Into State.....	679

TABLE OF CONTENTS

DISCHARGE AND RELEASE OF PATIENTS.....	679
43A-§ 7-101 Discharge or Permission to Leave Facility—Outpatient Status—Notification of Discharge—Expense of Returning to Facility—Procedure.....	679
43A-§ 7-102 Discharge Planning and Assistance	681
43A-§ 7-103 Clothing and Expenses Upon Release.....	682
43A-§ 7-104 Placement of Homeless Consumers	682
43A-§ 7-105 Delivery of Personal Funds at Time of Discharge	683
43A-§ 7-106 Return of Property Upon Death or Discharge.....	683
43A-§ 7-107 Escape or Leave Without Permission — Notice — Discharge or Convalescent Leave — Apprehension.....	683
43A-§ 7-108 Removal or Enticement, Assistance or Encouragement to Escape	684
43A-§ 7-112 Judicial Proceeding for Declaration of Restoration to Soundness of Mind — Procedure	684
43A-§ 7-113 Guardianship of Person and Estate Without Hospitalization—Adjudication—Bond of Guardian	685
PRIVATE HOSPITALS AND INSTITUTIONS.....	686
43A-§ 8-101 Purpose	686
43A-§ 8-103 Admission of Mentally Ill—Procedure	686
43A-§ 8-104 Voluntary Admission	686
43A-§ 8-105 Court Certification	687
43A-§ 8-106 Responsibilities of Attending Physician—Discharge or Grant of Leave.....	687
43A-§ 8-107 Leave Without Permission—Responsibility for Return— Reimbursement for Expenses	688
43A-§ 8-108 Transfer to State or Federal Hospital— Documentation—Reimbursement for Expense	689
COMMITMENT OF ALCOHOL-AND/OR DRUG-DEPENDENT PERSON—PROCEDURE.....	690
43A-§ 9-101 Voluntary Treatment — Application — Admission — Discharge.....	690
3 PREGNANCY.....	691
FREEDOM OF CONSCIENCE ACT.....	691
63-§ 1-728a Short Title	691
63-§ 1-728b Definitions	691
63-§ 1-728c Prohibits Employer Discrimination—Applicable Circumstances.....	691
63-§ 1-728d No Requirement to Admit Patients—Employee Refusal to Participate and Immunity	692
63-§ 1-728e Discrimination—Circumstances—Prohibitions	693
63-§ 1-728f Ability to Sue—Damages	693
63-§ 1-729a Sale or distribution of RU-486	693
ABORTION	699
63-§ 1-730 Definitions	699
63-§ 1-731 Persons Who May Perform Abortions—Violations—	

	Penalty	700
63-§ 1-731.2	Definitions—Performance or Attempted Performance of Abortion Solely Due to Sex of Unborn Child—Damages—Injunctions—License Revocation or Suspension—Public Disclosure	701
63-§ 1-732	Viable Fetus — Grounds to Abort — Procedure	702
63-§ 1-733	Self-induced Abortions	703
63-§ 1-734	Live-Born Fetus — Care and Treatment	703
63-§ 1-735	Sale of Child, Unborn Child or Remains of Child — Experiments	704
63-§ 1-736	Hospitals — Advertising of Counseling to Pregnant Women	704
63-§ 1-737	Hospitals Which May Perform Abortions	704
63-§ 1-737.4	Required Signage in Abortion Facilities	704
63-§ 1-737.5	Failure to Post Signage in Abortion Facilities—Fine—Cause of Action	705
63-§ 1-737.6	Orally Inform Minors in Abortion Facilities—Minor Certification	706
63-§ 1-737.7	Short title—Oklahoma Unborn Child Protection from Dismemberment Abortion Act	706
63-§ 1-737.8	Definitions	706
63-§ 1-737.9	Unlawful dismemberment abortions—Exceptions	708
63-§ 1-737.10	Injunctive relief	708
63-§ 1-737.11	Civil damages action	709
63-§ 1-737.12	Attorney fees	709
63-§ 1-737.13	Penalties	709
63-§ 1-737.14	Disclosure of identity	710
63-§ 1-737.15	Limitations of act	710
63-§ 1-737.16	Severability	710
63-§ 1-738.1A	Definitions	710
63-§ 1-738.2	Voluntary and Informed Consent—Compliance by Physicians—Confirmation of Receipt of Medical Risk Information	711
63-§ 1-738.3	Print and Online Information—Requirements	714
63-§ 1-738.3a	Form Tracking Voluntary and Informed Consent—Contents of Form—Submission—Late Fee	715
63-§ 1-738.3b	Repealed by Laws 2010, c. 173, § 4, emerg. eff. April 27, 2010	717
63-§ 1-738.3c	Repealed by Laws 2010, c. 173, § 4, emerg. eff. April 27, 2010	717
63-§ 1-738.3d	Ultrasound Required Prior to Procedure—Written Certification—Medical Emergency Exception	717
63-§ 1-738.3e	Violation of Ultrasound Requirement—Injunctive Relief—Action for Damages—License Suspension	719
63-§ 1-738.4	Medical Emergency Abortions—Physician’s Judgment—Patient’s Right to Information	720
63-§ 1-738.5	Disciplinary Action	720
63-§ 1-738.5a	Severability	720
	UNBORN CHILD PAIN AWARENESS/PREVENTION ACT	721
63-§ 1-738.6	Short Title	721
63-§ 1-738.7	Definitions	721
63-§ 1-738.8	Review of Materials, Notice in Cases of Twenty-Plus	

TABLE OF CONTENTS

	Weeks' Gestation—Certification, Furnishing of Information	722
63-§ 1-738.9	Use of Anesthetic or Analgesic to Eliminate or Alleviate Pain—Notice	722
63-§ 1-738.10	Publication of Materials on Twenty-Week Gestation—Legibility—Availability at No Cost	722
63-§ 1-738.11	Web Site, Development and Maintenance.....	723
63-§ 1-738.12	Medical Emergency Abortion—Notice of Medical Indications.....	723
63-§ 1-738.13	Reporting Forms—Submission of Copies—Late Fees—Public Report—Alteration of Dates	724
63-§ 1-738.14	Violation of Act—Penalties	725
63-§ 1-738.15	Failure to Comply with Act or Issue Public Report—Civil Liability	726
63-§ 1-738.16	Civil or Criminal Actions—Anonymity of Person Upon Whom Abortion Has Been Performed or Attempted	726
63-§ 1-738.17	Severability of Provisions	727
63-§ 1-739	Records	727
	PARENTAL NOTIFICATION ACT	727
63-§ 1-740	Abortion on Minor Without Parental Consent or Knowledge—Liability	727
63-§ 1-740.1	Definitions	728
63-§ 1-740.2	Consent of Parent—Requirements—Exceptions—Forms	728
63-§ 1-740.2A	Evaluation and Counseling Session	730
63-§ 1-740.3	Judicial Authorization Prior to Abortion—Court Proceedings—Confidentiality—Appeal.....	731
63-§ 1-740.4	Illegal Abortion on Unemancipated Minor—Criminal and Civil Liability.....	732
63-§ 1-740.4a	Report of Procedure—Contents—Submission—Late Fee—Public Report—Rules—Failure to Post Public Report—Attorneys Fees	732
63-§ 1-740.4b	Unlawful Acts—Defense—Civil Action—Consent	735
63-§ 1-740.5	Severability	736
63-§ 1-740.6	Enjoinder, Suspension, or Delay of Act	736
63-§ 1-740.11	Nongovernmental Entities Providing Alternatives-to-Abortion Services, Funding—Annual Reports—Contracts for Services—Rules.....	736
63-§ 1-740.12	Alternatives-to-Abortion Services Revolving Fund.....	737
63-§ 1-740.13	Consent Form	738
63-§ 1-740.14	Injunctions or Restraining Orders—Enforcement of Provisions	740
63-§ 1-741	Abortions — Refusal to Perform or Participate — Exemptions.....	740
63-§ 1-741.1	Performance or Assisting Performance of Abortion by State Employee or Agency Prohibited—Exceptions—Use of Public Funds to Encourage Abortions Prohibited	741
63-§ 1-741.2	Repealed by Laws 2011, c. 92, § 2, eff. Nov. 1, 2011.....	741
63-§ 1-741.3	Patient Protection and Affordable Care Act—Qualified Insurance Plans—Elective Abortion Prohibited.....	741
63-§ 1-741.11	Repealed by Laws 2010, c. 171, § 2, emerg. eff. April	

	27, 2010	743
63-§ 1-741.12	Wrongful Life or Wrongful Birth Action—Damages.....	743
VIOLATIONS		744
63-§ 1-742	Payment for Securing or Soliciting Patients for Hospital or Other Entity—Penalties—Construction of Act— Exceptions.....	744
PARENTAL NOTIFICATION FOR ABORTION ACT		745
63-§ 1-744	Short Title—Parental Notification for Abortion Act	745
63-§ 1-744.1	Definitions	745
63-§ 1-744.2	Notice—Waiting Period	745
63-§ 1-744.3	Medical Emergency—Notice Requirement	746
63-§ 1-744.4	Exceptions to Notice Requirement	746
63-§ 1-744.5	Criminal and Civil Liability	747
63-§ 1-744.6	Injunction or Restraining Orders—Enforcement of Provisions	747
PAIN-CAPABLE UNBORN CHILD PROTECTION ACT		747
63-§ 1-745.1	Short Title	747
63-§ 1-745.2	Definitions	747
63-§ 1-745.3	Legislative Findings	748
63-§ 1-745.4	Abortion Requirements—Determination of Probable Postfertilization Age of Unborn Child	750
63-§ 1-745.5	Abortions Prohibited When Probable Postfertilization Age of Unborn Child is 20 or More Weeks— Exceptions—Procedure for Abortion	750
63-§ 1-745.6	Abortion—Report to State Department of Health— Public Statistical Report—Late Fee	751
63-§ 1-745.7	Violations of Act	752
63-§ 1-745.8	Suits Upon Violation of Act—Injunctive Relief— Attorney’s Fees.....	752
63-§ 1-745.9	Public Disclosure of Woman’s Identity Whom an Abortion Was Performed On.....	753
63-§ 1-745.10	Severability	754
63-§ 1-745.11	Construction of Act	754
HEARTBEAT INFORMED CONSENT ACT		754
63-§ 1-745.12	Short Title	754
63-§ 1-745.13	Definitions	754
63-§ 1-745.14	Making Heartbeat Audible Before Abortion	755
63-§ 1-745.15	Application of Act.....	756
63-§ 1-745.16	Violations of Act—Penalties—Civil Actions	756
63-§ 1-745.17	Public Disclosure of Identity	757
63-§ 1-745.18	Interpretation of Statute.....	757
63-§ 1-745.19	Severability of Act	758
4 MISCELLANEOUS HEALTH CARE		758
RIGHT TO TRY ACT		
(TITLE 63 OKLA. STATS.).....		758
63-§ 3091.1	Short title—Right to Try Act	758

TABLE OF CONTENTS

63-§ 3091.2	Definitions	758
63-§ 3091.3	Manufacturers' rights—Insurance coverage—Liability of patients' heirs	760
63-§ 3091.4	Actions against health care provider's license or Medicare certification prohibited	760
63-§ 3091.5	Patient access—Counseling, advice or recommendations	760
63-§ 3091.6	Immunity against private causes of action	761
63-§ 3091.7	Clinical trials	761
UNIFORM DETERMINATION OF DEATH ACT (TITLE 63 OKLA. STATS.)		761
63-§ 3121	Short Title	761
63-§ 3122	Declaration of Death	761
63-§ 3123	Application and Construction	762
DISPOSITION OF REMAINS (TITLE 63, CHAPTER 61.1, OKLA. STATS.)		762
63-§ 3129	Disposition of Remains of a Child from Stillbirth or Fetal Death Event	762
TORTS (TITLE 76, OKLA. STATS.)		763
76-§ 19	Access to Medical Records—Copies—Waiver of Privilege—Exception for Inmates When Threat to Safety or Security of Self or Institution	763
PART G DISCLAIMERS		766
DISCLAIMER OF INTERESTS PASSING BY DEED, ASSIGNMENTS, ETC. (TITLE 60, OKLA. STATS.)		766
60-§ 751	Definitions	766
60-§ 752	Right to File Disclaimer—Minor, Incompetent or Deceased Beneficiaries	767
60-§ 753	Time for Filing Disclaimer	767
60-§ 754	Place of Filing Disclaimer—Delivery of Copies—Interest in Real Estate	768
60-§ 755	Disposition of Interest Disclaimed	768
60-§ 756	Uniform Fraudulent Conveyances Act not Abrogated—Bar on Right to Disclaim in Certain Cases	769
60-§ 757	Spendthrift Provisions—Binding Effect of Disclaimer—Spouse of Disclaimant	769
60-§ 758	Other Rights not Abridged	769
60-§ 759	Interests not Fixed or Finally Ascertained—Right to Disclaim	769
DISCLAIMER OF INTERESTS PASSING BY WILL, INTESTATE SUCCESSION, ETC. (TITLE 84, OKLA. STATS.)		770
84-§ 22	Disclaimer of Interests Passing by Will, Intestate Succession, etc.—Definitions	770
84-§ 23	Right to File Disclaimer—Minor, Incompetent or Deceased	

	Beneficiaries	770
84-§ 24	Time for Filing Disclaimer.....	771
84-§ 25	Place of Filing Disclaimer—Delivery of Copies—Interest in Real Estate	771
84-§ 26	Disposition of Interest Disclaimed	771
84-§ 27	Uniform Fraudulent Conveyance Act not Abrogated—Bar on Right to Disclaim in Certain Cases	772
84-§ 28	Spendthrift Provisions—Binding Effect of Disclaimer— Spouse of Disclaimant.....	772
84-§ 29	Other Rights not Abridged.....	773
84-§ 30	Interests not Fixed or Finally Ascertained—Right to Disclaim.....	773
84-§ 31	Disclaimer of Interest in Trust—Conditions	773
PART H TRANSFERS TO MINORS.....		774
OKLAHOMA UNIFORM TRANSFERS TO MINORS ACT (TITLE 58, OKLA. STATS.)		774
58-§ 1201	Short Title	774
58-§ 1202	Definitions	775
58-§ 1203	Applicability of Law—Custodianship	776
58-§ 1204	Nomination of Custodian.....	776
58-§ 1205	Irrevocable Transfers to Custodian	777
58-§ 1206	Personal Representatives or Trustees—Irrevocable Transfers to Custodian	777
58-§ 1207	Personal Representatives, Trustees or Guardians— Irrevocable Transfers to Adult or Trust Company as Custodian	778
58-§ 1208	Persons Holding Property of or Owning Debt to Minor— Irrevocable Transfers to Custodian	778
58-§ 1209	Acknowledgment of Delivery.....	779
58-§ 1210	Creation of Custodial Property—Transfers.....	779
58-§ 1211	Limitations on Transfers	781
58-§ 1212	Validity and Effect of Transfers	781
58-§ 1213	Powers and Duties of Custodians	782
58-§ 1214	Rights, Powers and Authority of Custodians Over Property.....	783
58-§ 1215	Delivery or Payment to Minor—Expenditures for Minor's Benefit.....	783
58-§ 1216	Expenses and Compensation of Custodian—Bond	784
58-§ 1217	Persons Dealing with Purported Custodian— Responsibilities.....	784
58-§ 1218	Claims Against Custodial Property—Liability of Custodian or Minor	784
58-§ 1219	Successor or Substitute Custodian.....	785
58-§ 1220	Accounting by Custodian.....	786
58-§ 1221	Minor's Death or Attainment of Majority	787
58-§ 1222	Transfer Under Other Laws After Effective Date of Act....	788
58-§ 1223	Transfers Under Other Law Prior to Effective Date	788
58-§ 1224	Application and Construction.....	789
58-§ 1225	Inapplicability of Law to Certain Transfers—Effect	789
58-§ 1226	Repealed by Laws 1989, c. 154, § 2, operative July 1,	

TABLE OF CONTENTS

1989.....	789
PART I NON-TESTAMENTARY TRANSFERS.....	790
OKLAHOMA BANKING CODE OF 1997 — (TITLE 6, CHAPTER 1, OKLA. STATS.).....	791
ARTICLE IX DEPOSITS AND COLLECTIONS—NOTARY PUBLIC— PROTESTS.....	791
6-§ 901 Deposits in Name or Two or More Persons—“Payable on Death” Accounts—Change in Designation of Beneficiary....	791
6-§ 902 Trustee Deposit Accounts	794
6-§ 903.1 Deposit Accounts for Minors.....	795
6-§ 905 Adverse Claims to Deposits—Restraining Order or Injunction—Indemnity Bond	796
6-§ 906 Transfer of Funds or Contents of Safe Deposit Box to Known Heirs of Deceased—Valid and Sufficient Release and Discharge—Penalty for False Affidavits.....	797
6-§ 909 Powers of Authorized Singer—Form for Additional Powers...	798
ARTICLE XIII SAFE DEPOSIT AND SAFEKEEPING FACILITIES	799
6-§ 1301 Definitions.....	799
6-§ 1301.1 Appointment of Deputy.....	799
6-§ 1301.2 Authorization for Access to Safe Deposit Box Upon Death of Lessee.....	800
6-§ 1303 Access by Fiduciaries	801
6-§ 1304 Effect of Lessee’s Death or Incompetence.....	801
6-§ 1305 Lease to Minor.....	801
6-§ 1308 Search Procedure on Death—Removal of Certain Contents.	802
6-§ 1309 Adverse Claims to Contents of Safe Deposit Box	802
6-§ 1313 Estate Taxes or Rights of State or Tax Commission Not Affected.....	803
CREDIT UNIONS	803
6-§ 2024 Joint Tenancy Shares and Deposits	803
6-§ 2025 Share or Deposit Account Payable on Death—Application ..	803
6-§ 2026 Trust Shares	806
OKLAHOMA SAVINGS AND LOAN CODE OF 1970 (TITLE 18, CHAPTER 8, OKLA. STATS.)	806
18-§ 381.39a Joint Accounts—P.O.D. Accounts—Designation of Beneficiaries—Payment.....	806
18-§ 381.40a Totten Trusts—Express Trusts—Payment.....	808
18-§ 381.41a Deposit Accounts With Minors—Authority to Control— Loans to Minors Prohibited	809
18-§ 381.42 Deposit Accounts of Incompetents.....	810
18-§ 381.43 Deposit Accounts of Administrators, Executors, Conservators, Guardians, Trustees or Other Fiduciaries	810
18-§ 381.44 Payment to Administrator or Executor of Deceased Nonresident	811

18-§ 381.45	Power of Attorney—Revocation.....	811
18-§ 381.46	Right to Withdraw	811
18-§ 381.48a	Sole Owner Accounts Without Payable-on-Death Beneficiary—Transfer of Deposits to Known Heirs— Affidavit	812
OKLAHOMA UNIFORM TOD SECURITY REGISTRATION ACT (TITLE 71, CHAPTER 5, OKLA. STATS.)		813
71-§ 901	Short Title.....	813
71-§ 902	Definitions.....	813
71-§ 903	Rules Governing Registration in Beneficiary Form.....	814
71-§ 904	Applicable Law	814
71-§ 905	Origination of Registration in Beneficiary Form.....	815
71-§ 906	Form of Registration	815
71-§ 907	Effect of Registration	815
71-§ 908	Ownership on Death—Rights of Creditors	815
71-§ 909	Protections for Registering Entity.....	816
71-§ 910	Nonprobate Transfer—Liability of Transferees	817
71-§ 911	Terms, Conditions and Form for Registration.....	818
71-§ 912	Construction	819
71-§ 913	Application	819
NONTESTAMENTARY TRANSFER OF PROPERTY ACT (TITLE 58, CHAPTER 21, OKLA. STATS.)		820
58-§ 1251	Short Title	820
58-§ 1252	Transfer-on-Death Deed—Notice to Beneficiary— Acceptance of Transfer-on-Death Deed	820
58-§ 1253	Transfer-on-Death, Form.....	821
58-§ 1254	Revocation or Change of Grantee Beneficiary—Effect of Will	822
58-§ 1255	Grantee Interest Subject to Encumbrances—Non- Consensual Lien—Lapse of Transfer.....	823
58-§ 1256	Effect of Deed on Joint Tenancy—“Joint Owner” Defined ..	823
58-§ 1257	Record Owner Considered Absolute Owner	823
58-§ 1258	Transfer-on-Death Deed Not Considered Testamentary Disposition	824
PART J ANATOMICAL GIFTS.....		825
OKLAHOMA UNIFORM ANATOMICAL GIFTS ACT (TITLE 63, OKLA. STATS.)		826
63-§ 2200.01A	Short Title	826
63-§ 2200.02A	Definitions	826
63-§ 2200.03A	Applicability.....	828
63-§ 2200.04A	Persons Authorized to Make Anatomical Gift Before Donor’s Death.....	828
63-§ 2200.05A	Manner of Making Anatomical Gift Before Donor’s Death.....	829
63-§ 2200.06A	Amending or Revoking Anatomical Gift Before Donor’s Death	830
63-§ 2200.07A	Refusal to Make Anatomical Gift—Effect of Refusal ..	831
63-§ 2200.08A	Preclusive Effect of Anatomical Gift, Amendment, or	

TABLE OF CONTENTS

	Revocation	831
63-§ 2200.09A	Persons Authorized to Make Anatomical Gift of Decedent's Body or Part	832
63-§ 2200.10A	Manner of Making, Amending, or Revoking Anatomical Gift of Decedent's Body or Part	833
63-§ 2200.11A	Persons Who May Receive Anatomical Gift—Purpose of Gift	834
63-§ 2200.12A	Search and Notification	836
63-§ 2200.13A	Delivery of Document of Gift Not Required—Right to Examine	836
63-§ 2200.14A	Rights and Duties of Procurement Organization and Others.....	836
63-§ 2200.15A	Coordination of Procurement and Use of Gifts	838
63-§ 2200.16A	Sale or Purchase of Parts Prohibited—Reasonable Fees	838
63-§ 2200.17A	Falsification, etc. of Document of Gift for Financial Gain—Penalties.....	838
63-§ 2200.18A	Immunity	839
63-§ 2200.19A	Law Governing Validity and Interpretation—Presumption of Validity	839
63-§ 2200.20A	Life Share Donor Registry	839
63-§ 2200.21A	Effect of Anatomical Gift on Advance Health Care Directive	841
63-§ 2200.22A	Cooperation Between Medical Examiner and Procurement Organizations	842
63-§ 2200.23A	Facilitation of Anatomical Gift From Body of Decedent Under Medical Examiner's Jurisdiction	843
63-§ 2200.24A	Uniformity of Application and Construction	844
63-§ 2200.25A	Relation to Electronic Signatures in Global and National Commerce Act	844
63-§ 2200.26A	References to Act.....	844
63-§ 2200.27A	Office of Chief Medical Examiner—Compensation From Recovery Organizations	845
UNIFORM ANATOMICAL GIFTS ACT		
(TITLE 63, OKLA. STATS.)		845
63-§ 2209.1	Permits—Rules.....	845
63-§ 2210	Eye Recovery by Certified Eye Bank Technicians—Eye Banks.....	846
63-§ 2211	Donor Notation On Driver's License	848
PART K MISCELLANEOUS STATUTES		849
TITLE 6 BANKS AND TRUST COMPANIES		866
CHAPTER 1 OKLAHOMA BANKING CODE OF 1997		866
ARTICLE IV GENERAL POWERS		866
06-§ 402	Powers of Banks and Trust Companies	866
06-§ 407	Amendment—Trust Powers	868
06-§ 425	Fiduciary Relationships.....	869

ARTICLE VII CORPORATE FUNCTIONS, BANKS AND TRUST COMPANIES.....	869
06-§ 702 Liability of Fiduciaries Owning Stock.....	869
06-§ 706 Stock as Personalty—Transfer on Books—Shareholders Indebted to Bank or Trust Company—Lending on Stock Prohibited—Purchase of Treasury Stock.....	869
ARTICLE IX — DEPOSITS AND COLLECTIONS — NOTARY PUBLIC — PROTESTS.....	870
06-§ 906 Transfer to Known Heirs of Deceased Without Designated Beneficiary—Affidavit—Release and Discharge—False Affidavit	870
ARTICLE X REGULATION OF TRUST COMPANIES.....	871
06-§ 1001 Powers of Trust Companies.....	871
06-§ 1001.1 Temporary Borrowing Powers of Trust Companies	874
06-§ 1002 Restrictions on Acting in Certain Fiduciary Capacities— Reciprocity	874
06-§ 1003 Advertising Performance of Legal Services Prohibited	875
06-§ 1004 Deposits of Securities With Commissioner.....	875
06-§ 1005 Banks Having Trust Powers and Trust Companies Not Required to Give Security as Trustee, Etc.....	879
06-§ 1006 Separation of Books and Accounts—Labeling Securities— Prohibited Operations of Banks and Trust Companies Having Trust Powers	879
06-§ 1007 Lien and Claim Upon Bank Failure	880
06-§ 1008 Investments—Acceptance as Securities by Public Officials of This State	880
06-§ 1009 Official's Oath or Affidavit	881
06-§ 1010 Common Trust Funds	881
06-§ 1011 Loans of Trust Funds to Officers and Employees Prohibited.....	883
06-§ 1012 Banks Having Trust Powers and Trust Companies Subject to Examination and Supervision of Commissioner	883
06-§ 1013 Disclosure of Communications and Writings Prohibited— Exceptions	883
06-§ 1014 Closing of Trust Unduly Delayed.....	883
06-§ 1015 Banks Authorized to Engage in Trust Business— Powers—Restrictions	884
06-§ 1016 Service Charges Not Part of Interest on Loans.....	884
06-§ 1017 Voluntary Relinquishment of Trust Powers.....	884
06-§ 1018 Voluntary or Involuntary Liquidation or Receivership	885
06-§ 1019 Merger, Consolidation and Sale of Assets	890
06-§ 1020 Existing Trust Powers of Religious, Charitable, etc. Corporations Not Denied.....	891
06-§ 1021 Liquidation, Dissolution and Reorganization of Trust Companies	891
06-§ 1022 Banks, Trust Companies and National Banking Associations—Registration in Name of Nominee Securities Held in Fiduciary Capacity.....	892
06-§ 1023 Deposit of Securities in Clearing Corporation or Federal	

TABLE OF CONTENTS

	Reserve Bank	892
06-§ 1024	Acquisition of Control of Trust Company—Notice— Approval—Review—Penalties	893
CHAPTER 1B TRUST INSTITUTIONS		897
MULTISTATE TRUST INSTITUTIONS ACT		897
06-§ 1701	Short Title—Intent	897
06-§ 1705	Companies Authorized to Act as Fiduciary	897
06-§ 1706	Certain Activities Not Requiring Charter	897
06-§ 1707	State Trust Institutions—Business Locations	899
06-§ 1708	Out-of-State Trust Institutions—Business Locations	900
06-§ 1710	Authority to Operate Trust Business	900
06-§ 1711	Engaging in Trust Business at Branch Locations Permitted—Certain Business at Representative Trust Offices Prohibited—Limitations on Business at Out-of- State Offices	900
06-§ 1715	Out-of-State Trust Institutions Permitted to Engage in Trust Business	900
06-§ 1721	Out-of-State Trust Institutions Prohibited From Acting as Fiduciaries—Engaging in Trust Business at Representative Trust Office Permitted	901
STATE TRUST INSTITUTION CHARTER MODERNIZATION ACT		901
06-§ 1730	Short Title—Purpose	901
06-§ 1731	Definitions	902
06-§ 1732	Designation of Trust Institution as Fiduciary	902
06-§ 1733	Written Agreements or Instruments—Designation of Law Governing	902
06-§ 1734	Fiduciary Investment Standards—Designation of Law Governing	902
06-§ 1735	Delegation of Fiduciary Functions	902
06-§ 1736	Hiring and Compensation of Affiliates	903
06-§ 1737	Compensation Arrangements Between Clients and Fiduciaries	903
06-§ 1738	Disclosure of Conflicts of Interest	903
06-§ 1739	Acquisition of State Trust Company or Trust Institution ..	904
06-§ 1740	Application for Exemption—Maintenance of Exempt Status—Change of Control—Revocation of Exempt Status—Enforcement Proceedings	905
06-§ 1741	Application for Exemption	906
06-§ 1755	Conversion to Public Trust Company	908
TITLE 8 CEMETERY LOTS		909
08-§ 3.1	Definitions	909
08-§ 6	Lots—Inalienability—Descent—Release of Interests	909
TITLE 10 CHILDREN		910
CHAPTER 3 PATERNITY PROCEEDINGS		910
10-§ 83	Liability of Mother and Father to Support and Educate Child—Enforcement—Change of Child’s Surname	910

10-§ 90.4	Children Born Out of Wedlock—Change of Name	911
CHAPTER 4 PROCEDURE TO CONFER RIGHTS OF MAJORITY		912
10-§ 91	Authority of District Courts	912
10-§ 92	Procedure to Confer Rights of Majority—Petition— Jurisdiction and Venue—Decree.....	912
10-§ 93	Notice of Hearing of Petition to be Given by Certified Mail and By Publication in Newspaper.....	912
10-§ 94	Costs	913
CHAPTER 6 COUNTY SCHOOLS AND HOMES FOR DEPENDENT AND NEGLECTED CHILDREN		913
10-§ 137	Guardian Refusing to Maintain Child or Send Him to School—Delivery of Child to Court—Charge for Board and Clothing.....	913
CHAPTER 24 ARTIFICIAL INSEMINATION.....		913
10-§ 551	Authorization	913
10-§ 552	Status of Child.....	914
10-§ 553	Persons Authorized—Consent.....	914
10-§ 554	Legal Status of Child or Children Born as Result of Heterologous Oocyte Donation	914
10-§ 555	Rights, Obligations and Interest of Oocyte Donor Respecting Child and Child Respecting Donor.....	914
10-§ 556	Human Embryo Transfer and Donation—Consents—Legal Rights, Obligations or Interests.....	914
CHAPTER 51 DELINQUENT, DEPENDENT, AND DISABLED CHILDREN		915
ARTICLE 4 STATE INSTITUTIONS FOR CHILDREN		915
10-§ 1415	Placement in Institution for Individuals with Intellectual Disability Not to Abrogate Parental Rights—Guardians— Assessment of Competency.....	915
CHAPTER 75 OKLAHOMA ADOPTION CODE		917
PART 6 INTERLOCUTORY ORDER AND FINAL DECREE.....		917
10-§ 7505-6.5	Effect of Final Decree—Grandparental Rights	917
CHAPTER 77 UNIFORM PARENTAGE ACT		918
ARTICLE 1 GENERAL PROVISIONS.....		918
10-§ 7700-101	Short title	918
10-§ 7700-102	Definitions	918
10-§ 7700-103	Scope of Act—Choice of Law—Jurisdiction of District and Administrative Courts.....	920
ARTICLE 2 PARENT-CHILD RELATIONSHIP		920

TABLE OF CONTENTS

10-§ 7700-201	Establishment of Parent-Child Relationship.....	920
10-§ 7700-202	Equal Rights of Marital and Nonmarital Children.....	921
10-§ 7700-203	Application of Established Parent-Child Relationship.	921
10-§ 7700-204	Presumption of Paternity	921
ARTICLE 3 ACKNOWLEDGMENT OF PATERNITY		922
10-§ 7700-301	Voluntary Acknowledgment of Paternity	922
10-§ 7700-302	Requirements of Acknowledgment—Void and Voidable Acknowledgment.....	922
10-§ 7700-303	Denial of Paternity—Validity	923
10-§ 7700-304	Execution of Acknowledgment and Denial—Effective DATE—Execution by Minors	923
10-§ 7700-305	Effect of Acknowledgment or Denial	924
10-§ 7700-306	No Filing Fee	924
10-§ 7700-307	Rescission of Acknowledgment or Denial.....	924
10-§ 7700-308	Proceeding to Challenge Acknowledgment— Commencement—Burden of Proof	924
10-§ 7700-309	Proceeding to Challenge Acknowledgment or Denial— Procedure	925
10-§ 7700-310	Ratification of Unchallenged Acknowledgment Prohibited.....	925
10-§ 7700-311	Full Faith and Credit	925
10-§ 7700-312	Forms for Acknowledgment and Denial of Paternity— Rescission Form—Effect of Modification of Forms	926
10-§ 7700-313	Release of Copies of Acknowledgment or Denial of Paternity	926
10-§ 7700-314	Rules	926
ARTICLE 5 GENETIC TESTING		926
10-§ 7700-501	Scope of Article	926
10-§ 7700-502	Order for Genetic Testing—Order For in Utero Testing Not Allowed	926
10-§ 7700-503	Requirements of Testing—Objection to Calculation— Retesting.....	927
10-§ 7700-504	Report of Testing—Chain of Custody	928
10-§ 7700-505	Identification of Father—Rebuttal	928
10-§ 7700-506	Payment of Costs of Testing	929
10-§ 7700-507	Advance Payment for Additional Testing.....	929
10-§ 7700-508	Specimen From Potential Father Unavailable— Additional Sources of Specimens for Testing.....	929
10-§ 7700-509	Testing of Deceased Individual	930
10-§ 7700-510	Testing of Identical Brother—Use of Nongenetic Evidence	930
10-§ 7700-511	Release of Genetic Test Report	930
ARTICLE 6 PROCEEDING TO ADJUDICATE PARENTAGE.....		930
PART 1 NATURE OF PROCEEDING.....		930
10-§ 7700-601	Proceeding Authorized.....	930
10-§ 7700-602	Standing to Maintain Proceeding	931
10-§ 7700-603	Parties to Proceeding	931
10-§ 7700-604	Personal Jurisdiction	931

10-§	7700-605	Venue	931
10-§	7700-606	No Limitation for Parentage Proceeding with No Presumed, Acknowledged, or Adjudicated Father	932
10-§	7700-607	Two-Year Limitation in Proceedings with Presumed Father—Exception	932
10-§	7700-608	Motion for Genetic Testing	933
10-§	7700-609	Limitation in Proceeding with Acknowledged or Adjudicated Father	934
10-§	7700-610	Joinder of Proceedings	934
10-§	7700-611	Proceeding Before Birth of Child	935
10-§	7700-612	Child as Party to Proceeding—Guardian Ad Litem	935

PART 2 SPECIAL RULES FOR PROCEEDING TO ADJUDICATE PARENTAGE

10-§	7700-621	Admissibility of Genetic-Testing Results—Testimony of Experts—Medical Bills	935
10-§	7700-622	Enforcement of Order for Genetic Testing—Default ...	936
10-§	7700-623	Admission of Paternity	936
10-§	7700-624	Temporary Order for Support	936

PART 3 HEARINGS AND ADJUDICATIONS

10-§	7700-631	Rules for Adjudication of Paternity	937
10-§	7700-632	Jury Prohibited	937
10-§	7700-633	Closure of Proceeding—Inspection of Records	937
10-§	7700-634	Order on Default	938
10-§	7700-635	Dismissal for Want of Prosecution	938
10-§	7700-636	Order Adjudicating Parentage—Assessment of Fees and Costs—Change of Child’s Surname	938
10-§	7700-637	Binding Effect of Determination of Parentage	938

ARTICLE 9 MISCELLANEOUS PROVISIONS

10-§	7700-901	Uniformity of Application and Construction	939
10-§	7700-902	Governance of Act	939
10-§	7800	Custody of a Child Whose Paternity is not Established..	940

TITLE 10A CHILDREN AND JUVENILE CODE

ARTICLE 1 OKLAHOMA CHILDREN’S CODE

CHAPTER 3 MEDICAL AND BEHAVIORAL HEALTH TREATMENT

10A-§	1-3-101	Authorization to Consent to Medical or Dental Care ..	940
10A-§	1-3-102	Medical Care and Treatment—Definitions—Authorization and Consent	941
10A-§	1-3-103	Immunity From Liability for Authorizing Medical Treatment or Mental Health Evaluation or Treatment	943
10A-§	1-3-104	Safety Plan Monitor May Authorize Necessary Medical or Dental Care	943

TABLE OF CONTENTS

CHAPTER 4 PROCEEDINGS	943
PART 1—JURISDICTION	943
10A-§ 1-4-102 Evidence of Child Abuse or Neglect in Matrimonial or Child Custody Actions—Investigation by Department of Human Services—Orders for Protective Custody— Appointment of Attorney for Child	943
PART 3—PETITION, SUMMONS, APPOINTMENT OF COUNSEL AND OTHERS	944
10A-§ 1-4-306 Appointment of Counsel—Guardians Ad Litem— Court-Appointed Special Advocates	944
PART 7—DISPOSITIONAL HEARINGS	947
10A-§ 1-4-708 Deprivation Based on Repeated Absence from School .	947
10A-§ 1-4-709 Permanent Guardianship	948
10A-§ 1-4-710 Motion for Permanent Guardianship—Notice—Home Study—Findings—Visitation—Guardianship	949
10A-§ 1-4-711 Motion for Modification or Termination of a Permanent Guardianship	952
PART 9—TERMINATION OF PARENTAL RIGHTS	953
10A-§ 1-4-904 Termination of Parental Rights in Case Involving Petition for Deprived Status of Child	953
10A-§ 1-4-906 Effect of Termination of Parental Rights	957
CHAPTER 6 CHILDREN’S RECORDS	958
10A-§ 1-6-102 Confidential Records	958
CHAPTER 7 PERSONS/AGENCIES RECEIVING CUSTODY— RIGHTS AND DUTIES	963
10A-§ 1-7-101 Duties and Rights of Persons or Agencies Receiving Custody—Exception.....	963
CHAPTER 8 MISCELLANEOUS PROVISIONS	965
10A-§ 1-8-108 Appointment of Legal Guardian—Appointment of Guardian Ad Litem	965
CHAPTER 9 PROGRAMS, CONTRACTS, AND ADMINISTRATIVE PROVISIONS	965
10A-§ 1-9-125 Certification of Unaccompanied Status for Child Sixteen (16) Years of Age or Older to Obtain Housing .	965
ARTICLE 2 OKLAHOMA JUVENILE CODE	966
CHAPTER 2 CUSTODY AND COURT PROCEEDINGS	966
10A-§ 2-2-801 Procedures and Requirements for Placement of Adjudicated Children	966

10A-§ 2-2-802	Termination of Parental Rights.....	967
TITLE 11 CITIES AND TOWNS.....		968
CHAPTER 1 OKLAHOMA MUNICIPAL CODE.....		968
ARTICLE XLIX FIREFIGHTERS PENSION AND RETIREMENT SYSTEM.....		968
11-§ 49-106.	Retirement Benefits—Waiver of Benefits—Direct Payment to Insurer	968
11-§ 49-106.1	Oklahoma Firefighters Deferred Option Plan	970
11-§ 49-106.3.	Payment of Distribution to Retirement Plan.....	976
11-§ 49-106.4	Trustee-to-Trustee Transfer—Rules.....	980
11-§ 49-113.	Death of Firefighter for Any Cause—Payment of Benefits to Beneficiaries.....	981
11-§ 49-113.2	Death Benefit.....	983
11-§ 49-126	Pensions and Allowances Exempt from Claims—Assignments or Transfers Void—Exceptions	986
ARTICLE L POLICE PENSION AND RETIREMENT SYSTEM		988
PART 1 MUNICIPAL POLICE PENSION AND RETIREMENT SYSTEM		988
11-§ 50-111.1	Termination of service before normal retirement date—Refund of accumulated contributions—Election of vested benefit—Monthly retirement annuity—Rejoining System—Death without named beneficiary ..	988
11-§ 50-111.3	Participation in Oklahoma Police Deferred Option Plan	990
11-§ 50-114	Service pension to members of System—Amount—Eligibility—Delay of distribution—Death of member—Review of requests—Disability benefits in lieu of pensions—Health insurance payments.....	993
11-§ 50-114.1	Limitations on Benefits and Contribution Under Qualified Plans of the Internal Revenue Code of 1986 .	996
11-§ 50-114.2	Direct Rollover Distributions	1009
11-§ 50-114.3	Trustee-to-Trustee Transfer—Treatment of Trust—Rules	1013
11-§ 50-115.2	Death Benefit.....	1014
11-§ 50-117	Payment of Pension to Beneficiary of Member—Amount—Eligibility—Limitations—Commencement and Cessation of Benefits	1014
TITLE 12 CIVIL PROCEDURE		1016
CHAPTER 2 GENERAL PROVISIONS.....		1016
12-§ 83	Conserving Moneys Obtained for or on Behalf of Persons Under Eighteen Years of Age in Court Proceedings.....	1016
CHAPTER 3 LIMITATION OF ACTIONS		1017
12-§ 93	Limitations of Real Actions	1017

TABLE OF CONTENTS

12-§ 95	Limitation of Other Actions.....	1018
12-§ 100	Limitation of New Action after Reversal or Failure Otherwise than on Merits	1020
CHAPTER 6 COMMENCEMENT OF ACTION		1020
12-§ 182	Unincorporated Associations and Trusts—Suits Against— Service of Process.....	1020
CHAPTER 10 EVIDENCE		1021
GENERAL PROVISIONS		1021
12-§ 426	Affidavit	1021
CHAPTER 12 JUDGMENT.....		1022
12-§ 696.2	Preparation, Service, and Filing of Judgments, Decrees and Appealable Orders.....	1022
CHAPTER 17 SURVIVAL AND ABATEMENT OF ACTIONS.....		1023
12-§ 1052	Actions which Abate on Death of Party	1023
12-§ 1053	Wrongful Death—Limitation of Actions—Damages	1023
12-§ 1054	Action for Death—Who May Sue.....	1026
12-§ 1055	Death of a Child.....	1026
CHAPTER 18 REVIVOR OF ACTIONS		1026
12-§ 1082	Dissolved Partnerships	1026
12-§ 1147.5	Trust in Proceeds of Sale.....	1027
12-§ 1448	Deceased Personality’s Right of Publicity—Unauthorized Use—Claims—Exemptions.....	1028
12-§ 1449	Unauthorized Use of Another Person’s Rights of Publicity—Damages—Consent—Presumptions—Fact Questions—Exemptions	1030
CHAPTER 39 OKLAHOMA PLEADING CODE		1032
12-§ 2004	Process	1032
12-§ 2025.1	Assignment by Parent to Child of Right to Recover for Injury to Child	1043
TITLE 12A COMMERCIAL CODE		1043
ARTICLE 3 NEGOTIABLE INSTRUMENTS		1043
12A-§ 3-110	Identification of Person to Whom Instrument is Payable	1043
ARTICLE 15 UNIFORM ELECTRONIC TRANSACTIONS ACT		1044
12A-§ 15-103	Scope	1044
TITLE 15 CONTRACTS.....		1045

CHAPTER 3 INTERPRETATION OF CONTRACTS	1045
15-§ 178 Contracts Designating Former Spouse as Beneficiary or Providing Death Benefits—Effect of Divorce or Annulment .	1045
CHAPTER 5A FAIR PRACTICES OF EQUIPMENT MANUFACTURERS, DISTRIBUTORS, WHOLESALERS AND DEALERS ACT	1046
15-§ 245A.4 Death of Dealer	1046
TITLE 16 CONVEYANCES	1047
UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT	1047
16-§ 86.1 Short Title	1047
16-§ 86.2 Definitions	1047
16-§ 86.3 Validity of Electronic Documents	1048
16-§ 86.4 Recording of Documents	1048
16-§ 86.5 Administration and Standards	1048
16-§ 86.6 Uniformity of Application and Construction	1049
16-§ 86.7 Relation to Electronic Signatures in Global and National Commerce Act	1049
TITLE 18 CORPORATIONS	1050
CHAPTER 14 RELIGIOUS, CHARITABLE, AND EDUCATIONAL CORPORATIONS	1050
OKLAHOMA SOLICITATION OF CHARITABLE CONTRIBUTIONS ACT .	1050
18-§ 552.23 Filing and Reporting Requirement Exemptions	1050
CHAPTER 18 PROFESSIONAL ENTITY ACT	1050
18-§ 803 Definitions	1050
18-§ 809 License requirement	1054
18-§ 810 Managers and Stockholders	1055
18-§ 815 Death or Disqualification of Shareholders—Sole Shareholder—Withdrawal	1055
CHAPTER 21 FARMING OR RANCHING BUSINESS CORPORATIONS	1056
18-§ 955 Limitations on Ownership—Exceptions	1056
CHAPTER 32 OKLAHOMA LIMITED LIABILITY COMPANY ACT	1058
18-§ 2032 Membership Interest as Personal Property	1058
18-§ 2033 Assignability of Membership Interest	1058
18-§ 2036 Events Causing Cessation of Membership; Withdrawal; Death or Incapacity	1059
TITLE 20 DISTRICT COURTS	1060

TABLE OF CONTENTS

CHAPTER 4 DISTRICT COURTS	1060
20-§ 123 Jurisdiction of Special Judges.....	1060
20-§ 1005 Manner of Destruction of Court Records—Judicial Records Subject of Disposal—Storage Prior to Destruction.....	1061
20-§ 1008 Destruction of Depositions	1064
TITLE 21 CRIMES AND PUNISHMENTS	1064
CHAPTER 19 OTHER CRIMES AGAINST PUBLIC JUSTICE	1064
21-§ 578 Inheritance, Intercepting by Fraudulent Production of Infant	1064
CHAPTER 20 ASSAULT AND BATTERY	1064
21-§ 650.11 Medical Battery—Penalties—Definition	1064
CHAPTER 1 PRELIMINARY PROVISIONS	1065
21-§ 13.1 Required Service of Minimum Percentage of Sentence— Offenses Specified.....	1065
CHAPTER 30 MISCELLANEOUS OFFENSES AGAINST THE PERSON	1066
ABUSE OF ELDERLY OR DISABLED PERSONS	1066
21-§ 843.1 Caretakers—Abuse, Financial Neglect, Neglect, Sexual Abuse or Exploitation of Charge.....	1066
21-§ 843.2 Verbal Abuse of Charge.....	1067
21-§ 843.3 Abuse, Sexual Abuse, Exploitation, or Neglect of Vulnerable Adult.....	1068
21-§ 843.4 Exploitation of Elderly or Disabled Adult	1068
21-§ 843.5 Child Abuse—Child Neglect—Child Sexual Abuse—Child Sexual Exploitation—Enabling—Penalties	1069
CHAPTER 34 BIGAMY, INCEST, AND SODOMY	1073
21-§ 888 Forcible Sodomy	1073
CHAPTER 47 HUMAN REMAINS AND TISSUE, BURIAL, CEMETERIES, AND FUNERALS	1075
21-§ 1151 Right to Direct the Disposal of One’s Body	1075
21-§ 1151a Forfeiture of Right to Dispose of One’s Body	1075
21-§ 1152 Decent Burial—Exception	1076
21-§ 1153 Right to Carry Body to Another State for Burial	1076
21-§ 1161.1 Desecration of a Human Corpse—Penalty—Prosecution with Other Offenses—Definition	1076
CHAPTER 59 EMBEZZLEMENT	1077
21-§ 1451 Embezzlement Defined—Penalties	1077

CHAPTER 63 FORGERY OR COUNTERFEITING	1079
21-§ 1561 Wills, Deeds and Certain Other Instruments, Forgery of ..	1079
TITLE 25 DEFINITIONS	1080
25-§ 7 Children	1080
25-§ 101 Daily paper defined	1080
25-§ 103 Sufficiency of publication of legal notices	1080
25-§ 105 Designation of newspaper by party or attorney	1080
25-§ 106 Newspapers for publication of legal notices	1080
25-§ 113 Publication in newspaper published in county, but not at county seat	1081
TITLE 31 HOMESTEAD AND EXEMPTIONS	1082
31-§ 1 Property exempt from attachment, execution or other forced sale—Bankruptcy proceedings	1082
31-§ 1.1 Earnings from Personal Services—Exemption from Process—Order	1084
31-§ 1.3 Certain Income Not Exempt from Process	1085
31-§ 2 Homestead — Area and Value — Indian Allottees — Temporary Renting	1085
31-§ 3 Persons Not Protected	1086
31-§ 5 Homestead Exemptions Shall Not Apply, When	1086
31-§ 6 Exempt Personalty Subject to Attachment or Execution for Wages	1086
31-§ 7 Pension Money Exempt	1086
TITLE 36 INSURANCE	1087
ARTICLE 36 THE INSURANCE CONTRACT IN GENERAL	1087
36-§ 3604 Insurable Interest With Respect to Personal Insurance	1087
36-§ 3606 Capacity to Contract for Insurance; Minors	1090
VIATICAL SETTLEMENTS ACT OF 2008	1091
36-§ 4055.1 Short Title	1091
36-§ 4055.2 Definitions	1091
36-§ 4055.3 License Required—Application Procedures—Renewal— Authority Granted by License—Nonresidents—New or Revised Information—Training	1099
36-§ 4055.4 Denial, Suspension, Revocation or Nonrenewal of License—Hearing	1101
36-§ 4055.5 Filing of Forms—Disapproval by Commissioner	1102
36-§ 4055.6 Annual Statement—Disclosure of Insured’s Identity or Information	1103
36-§ 4055.7 Examination of Licensees—Records Retention— Confidentiality—Appointment of Examiner—Liability ..	1104
36-§ 4055.8 Disclosures to Viator	1109
36-§ 4055.9 Procedures for Entering Into Contracts—Rescission— Escrow—Minimum Discounts—Contract to Determine Health Status	1113
36-§ 4055.10 Contracts Within Two Years of Issuance of Insurance Policy or Certificate—Requests for Verification of	

TABLE OF CONTENTS

	Coverage or Transfer of Policy	1116
36-§ 4055.11	Fraudulent Viatical Settlement Acts—Filing of Advertising—“Free” Insurance—Additional Consideration—Emphasis on Settling Policy Prohibited	1118
36-§ 4055.12	Advertisement of Contracts, Products or Services—Guidelines and Standards	1119
36-§ 4055.13	Prohibited Acts—Warning Statement—Provision of Information on Fraudulent acts—Liability—Antifraud Initiatives.....	1123
36-§ 4055.14	Injunction—Civil Action—Cease and desist orders—Civil and criminal penalties.....	1126
36-§ 4055.15	Violation of Act—Deceptive Trade Practice	1128
36-§ 4055.16	Authority of Commissioner	1128
36-§ 4055.17	Compliance with act.....	1129
	OKLAHOMA CHARITABLE GIFT ANNUITY ACT	1130
36-§ 4071	Short Title	1130
36-§ 4072	Definitions	1130
36-§ 4073	Transaction of Insurance Business.....	1131
36-§ 4074	Notification to Insurance Commissioner.....	1131
36-§ 4075	Statement of Non-Regulation.....	1132
36-§ 4076	Financial Statement	1132
36-§ 4077	Information Required to be Submitted to Insurance Commissioner.....	1132
36-§ 4078	Applicability of Oklahoma Open Records Act and Oklahoma Open Meeting Act	1132
36-§ 4079	Purchase of Annuities Authorized.....	1133
36-§ 4080	Enforcement of Compliance.....	1133
36-§ 4081	Annuities Issued Before Effective Date of Act	1133
36-§ 4082	Issuance of Annuities Not to Constitute Certain Agreements, Contracts or Combinations	1133
	TITLE 41 LANDLORD AND TENANT.....	1134
41-§ 18	Rights and Liabilities of Executors and Administrators.....	1134
41-§ 20	Contribution by Joint Tenants	1134
41-§ 21	Joint Tenant May Recover His Share of Rents	1134
41-§ 22	Recovery for Waste or Trespass by Remainderman	1134
41-§ 30	Taxation of Improvements	1134
	RESIDENTIAL LANDLORD AND TENANT ACT	1134
41-§ 130.1	Death of Tenant—Disposition of Personal Property	1134
	TITLE 43 MARRIAGE AND FAMILY	1136
43-§ 1	Marriage Defined.....	1136
43-§ 2	Consanguinity	1136
43-§ 3	Who May Marry	1136
43-§ 3.1	Recognition of Marriage Between Persons of Same Gender Prohibited	1138
43-§ 7.1	Refusal to solemnize or recognize marriage by religious organization officials	1138
43-§ 10	Evidence before issue of license	1138

43-§ 14	Penalty for performing unlawful marriage.....	1139
43-§ 15	Miscellaneous offenses—Penalties	1139
DIVORCE AND ALIMONY.....		1139
43-§ 109	Awarding Custody or Appointing Guardian—Joint Custody—Domestic Violence, Stalking, or Harassment—Court Considerations.....	1139
43-§ 109.1	Custody During Parents' Separation.....	1141
43-§ 109.2	Paternity Determination	1142
43-§ 109.3	Custody, Guardianship or Visitation Cases—Evidence Of Domestic Abuse	1142
43-§ 110	Automatic Temporary Injunction—Temporary Orders.....	1142
43-§ 110.1	Policy for Equal Access to Minor Children by Parents.....	1147
43-§ 112	Care and Custody of Children	1147
43-§ 112.1A	Definitions—Child Support—Parental Rights and Duties—Actions and Jurisdiction.....	1150
43-§ 112.2	Evidence of Ongoing Domestic Abuse or Child Abuse—Determinations Relating to Convicted Sex Offenders—Presumption.....	1152
43-§ 112.2A	Parent's Right to Change Child's Residence.....	1154
43-§ 112.4	No Duty to Maintain Stepchildren	1154
43-§ 112.5	Custody or Guardianship—Order of Preference—Death of Custodial Parent—Preference of Child—Evidence of Domestic Abuse—Registered Sex Offenders	1154
43-§ 118.2	Employer Sponsored Health Care Coverage.....	1157
43-§ 121	Restoration of Maiden or Former Name—Alimony—Division of Property	1158
43-§ 122	Effect of Divorce.....	1160
43-§ 123	Remarriage and Cohabitation—Appeal from Judgment....	1160
43-§ 124	Bigamy a Felony	1160
43-§ 125	Validation of Decree Annuling Marriage or Granting Divorce.....	1161
43-§ 126	Remarriage Within Six Months As Ground for Annulment	1161
43-§ 127	Time When Judgments in Divorce Actions Become Final—Effect of Appeal	1161
43-§ 128	Avoidance of Marriage of Incompetents	1161
HUSBAND AND WIFE.....		1162
43-§ 201	Mutual Obligations.....	1162
43-§ 202	Duty to Support	1162
43-§ 203	Separate Property	1162
43-§ 204	Contracts	1162
43-§ 205	Relations Cannot be Altered by Contract—Separation Agreements.....	1162
43-§ 206	Mutual Consent as Consideration for Separation Agreement.....	1163
43-§ 207	Manner of Holding Property—Inventory of Separate Property	1163
43-§ 208	Liability for Acts and Debts of Spouse—Curtesy and Dower Abolished	1163
43-§ 209.1	Joint and Several Liability of Husband and Wife	1163
43-§ 209.2	Parent's Liability for Value of Child's Necessaries	1164

TABLE OF CONTENTS

43-§ 210	Liability on Abandonment or Separation by Agreement	1164
43-§ 211	Management, Sale or Encumbrance of Property of One by the Other, When	1164
43-§ 212	Contracts Binding on Both—Liability for Acts—Suits and Proceedings	1164
43-§ 213	Order Set Aside, When	1165
43-§ 214	Rights of Married Women	1165
TITLE 46 MORTGAGES		1165
46-§ 5	Mortgage Follows Property Passing by Succession or Will	1165
TITLE 47. MOTOR VEHICLES		1166
CHAPTER 2 THE DEPARTMENT OF PUBLIC SAFETY		1166
LAW ENFORCEMENT RETIREMENT SYSTEM		1166
47-§ 2-305.1B	Trustee-to-Trustee Transfer—Treatment of Trust— Rules	1166
47-§ 2-306	Payments in Case of Death	1167
47-§ 2-306.2	Unpaid Accumulated Contributions—Payment to Beneficiary or Next of Kin	1170
47-§ 2-306.3	Death Benefit	1170
47-§ 2-305.4	Limitations on Benefits and Contributions Under Qualified Plans of the Internal Revenue Code of 1986.	1170
TITLE 54 PARTNERSHIP		1183
REVISED UNIFORM PARTNERSHIP ACT		1183
54-§ 1-501	Partner Not Co-owner of Partnership Property	1184
54-§ 1-502	Partner's Transferable Interest in Partnership	1184
54-§ 1-503	Transfer of Partner's Transferable Interest	1184
54-§ 1-504	Partner's Transferable Interest Subject to Charging Order	1185
54-§ 1-601	Events Causing Partner's Dissociation	1185
54-§ 1-602	Partner's Power to Dissociate—Wrongful Dissociation	1187
54-§ 1-801	Events Causing Dissolution and Winding Up of Partnership	1188
UNIFORM LIMITED PARTNERSHIP ACT OF 2010		1189
ARTICLE 2 FORMATION; CERTIFICATE OF LIMITED PARTNERSHIP AND OTHER FILINGS		1189
54-§ 500-204A	Signing of Records	1189
ARTICLE 6 DISSOCIATION		1190
54-§ 500-601A	Dissociation as Limited Partner	1190
54-§ 500-603A	Dissociation as General Partner	1192
ARTICLE 7 TRANSFERABLE INTERESTS AND RIGHTS OF TRANSFEREES AND CREDITORS		1193
54-§ 500-701A	Partner's Transferable Interest	1193

54-§ 500-702A	Transfer of Partner's Transferable Interest.....	1193
54-§ 500-703A	Rights of Creditor of Partner or Transferee	1194
54-§ 500-704A	Power of Estate of Deceased Partner.....	1195
ARTICLE 8 DISSOLUTION.....		1195
54-§ 500-812A	Disposition of Assets — When Contributions Required.....	1195
TITLE 56 POOR PERSONS		1196
CHAPTER 3 CARE OF THE INDIGENT		1196
OKLAHOMA INDIGENT HEALTH CARE ACT		1196
56-§ 54	Sickness or Death of Poor Stranger	1196
56-§ 71	Verification of Lawful Presence Of Applicants For Public Benefits—Exceptions—Affidavit—Fraudulent Representations—Annual Report	1197
CHAPTER 7 ASSISTANCE PROGRAMS.....		1199
56-§ 172	Assistance to Incompetent to be Paid to Guardian	1199
MISCELLANEOUS PROVISIONS		1199
56-§ 190	Payment of Checks or Vouchers to Recipients of Assistance, Relief or Welfare, Upon Death of the Beneficiary After Issuance.....	1199
56-§ 191	Contents of Affidavit	1200
56-§ 192	Exemption From Costs in Guardianship Cases.....	1200
CHAPTER 8 TRANSFER OF INSTITUTIONS.....		1200
56-§ 347	Guardian and Conservator Services.....	1200
CHAPTER 15 OKLAHOMA MEDICAID PROGRAM INTEGRITY ACT.....		1201
56-§ 1004	Potential Recipient's Authorization to Examine Records— Providers Signed Statement as to Accuracy of Reports, Etc.—Maintenance of Records—Access to RECORDS— Confidentiality of Records and Information— Disclosure—Liability	1201
56-§ 1005	Unlawful Acts	1202
56-§ 1005.1	Definitions—Fraudulent Receipt of Assistance	1203
56-§ 1006	Medicaid Fraud—Penalties	1205
CHAPTER 16 OKLAHOMA MEDICAID PROGRAM REFORM ACT OF 2003		1205
56-§ 1010.13	Representatives of Incompetent Medicaid Beneficiaries.....	1205
CHAPTER 21 ELIGIBILITY FOR PUBLIC ASSISTANCE..		1206
56-§ 4000	Oklahoma College Savings Plan Exemption	1206

TABLE OF CONTENTS

TITLE 59 PROFESSIONS AND OCCUPATIONS	1206
59-§ 15.15B Designated manager—Succession of business.....	1206
TITLE 63 PUBLIC HEALTH AND SAFETY.....	1208
CHAPTER 1 OKLAHOMA PUBLIC HEALTH CODE.....	1208
ARTICLE 3 VITAL STATISTICS.....	1208
63-§ 1-311 Birth Certificates—Filing—Contents—Surrogates	1208
63-§ 1-311.3 Information Regarding Acknowledgment of Paternity to be Provided to Unmarried Mother—Availability of Forms—Supplementary Birth Certificate	1209
63-§ 1-312 Infant of Unknown Parentage	1210
63-§ 1-313 Delayed Birth Certificate.....	1211
63-§ 1-314 Delayed Death Certificate.....	1211
63-§ 1-315 Judicial Proceeding for Record of Birth.....	1211
63-§ 1-316 New Certificate of Birth.....	1212
63-§ 1-317 Death Certificate—Filing—Contents.....	1213
63-§ 1-317a Electronic Capture of Death Certificate	1215
63-§ 1-317d Investigation by Medical Examiner After Sudden Unexplained Infant Death—Reporting Form	1216
63-§ 1-318 Fetal Death Certificate—Filing—Contents.....	1217
MISSING ANGELS ACT—CHRISTOPHER AND KENDALL’S LAW	1217
63-§ 1-321 Amendment of Certificate or Records.....	1217
63-§ 1-324.1 Birth, Death or Stillbirth Certificates—Unlawful Acts—Penalties	1218
A-1 NO PATIENT LEFT ALONE	1220
63-§ 1-706a Short Title—Rights to Presence of Visitor—Publication Explaining Rights—Restrictions on Actions by State Department of Health Against Hospital.....	1220
B-1 TRANSPARENCY IN HEALTH CARE PRICES ACT	1221
63-§ 1-725.1 Short Title	1221
63-§ 1-725.2 Definitions	1221
63-§ 1-725.3 Health Care Provider to Make Publically Available the Prices of Health Care Services—Identify Services— Update.....	1222
63-§ 1-725.4 Health Care Facility to Make Publically Available the Prices of Health Care Services—Identify Services— Update.....	1223
63-§ 1-725.5 No Requirement to Report Health Care Prices to Agency, Contracts Between Private Parties.....	1223
ARTICLE 8 NURSING HOMES, REST HOMES, AND SPECIALIZED HOMES RESIDENTIAL CARE ACT	1223
63-§ 1-837 Insuring Life of Resident—Persons Eligible—Assignment of Benefits of Life Insurance Policy	1223
ARTICLE 19 NURSING HOME CARE ACT	1224

63-§ 1-1919.1	Reasonable Access—Visitation	1224
63-§ 1-1920	Protection of Resident's Funds	1224
63-§ 1-1926	Involuntary Transfer or Discharge of Resident— Grounds.....	1225
63-§ 1-1927	Notice of Involuntary Transfer or Discharge	1226
63-§ 1-1950.5	Caregiver—Solicitation or Acceptance of Gifts— Offense	1226
CHAPTER 6 DEAD BODIES		1227
63-§ 92	Conditions for surrendering unclaimed bodies in government custody to Anatomical Board	1227
63-§ 94	Board to Receive Unclaimed or Donated Bodies—Board Approval to Donees—Distribution	1228
63-§ 95	Surrender of Body When Claimed	1228
63-§ 96	Authority to Dissect, Operate or Experiment on Dead Bodies—Record of Bodies Received	1228
63-§ 97	Cremation of Bodies After Scientific Study Completed	1229
63-§ 98	Expense of Delivery or Distribution of Unclaimed Body	1229
63-§ 99	Neglect to Perform Duties—Punishmen.....	1229
63-§ 100	Effect of Partial Unconstitutionality	1229
63-§ 101	Shipment of Dead Body.....	1229
63-§ 103	Post Mortem Caesarian Section—Right to Perform— Nonliability of Physician and Hospital.....	1230
63-§ 104	Nonliability of Physician for Failure to Perform.....	1230
CHAPTER 37 MEDICOLEGAL INVESTIGATIONS.....		1230
63-§ 941	Investigation by County Examiner	1230
63-§ 941a	Custody of the Body	1231
63-§ 941b	Condition of the Body	1231
63-§ 942	Report of Findings.....	1231
63-§ 942a	Appeal of Medical Examiner's Findings	1232
63-§ 944	Autopsy—Public Interest—Collection of Specimens.....	1232
63-§ 946	Exhuming of Bodies—Hearing—Autopsy—Reports	1233
CHAPTER 45 BLOOD, ORGANS, AND OTHER BIOLOGICS		1234
63-§ 2151	Blood Products or Tissues—Addition to Human Body— Warranty.....	1234
63-§ 2151.1	Organ and Tissue Donations from HIV Positive Persons.....	1234
63-§ 2152	Donation of Blood	1235
63-§ 2153	Preplacement or Replacement of Blood as a Condition of Treatment.....	1235
63-§ 2154	Statement of Benefits From Donation of Blood.....	1235
CHAPTER 80 HEALTH CARE SERVICES.....		1236
RECOVERY OF EXPENSES.....		1236
63-§ 5051.1	Recovery from tortfeasors of amounts paid for medical expenses of injured and diseased persons—Liens or other legal action.....	1236

TABLE OF CONTENTS

63-§ 5051.2	Right to Reimbursement for Medical Services— Assignment to Oklahoma Health Care Authority	1238
63-§ 5051.3	Medical Assistance—Homestead Lien	1239
TITLE 67 RECORDS		1242
67-§ 3	Lost Probate Records	1242
TITLE 70 SCHOOLS		1243
CHAPTER 1 SCHOOL CODE OF 1971		1243
ARTICLE XVII TEACHERS' RETIREMENT SYSTEM		1243
70-§ 17-105	Retirement	1243
70-§ 17-105.1	Unpaid Accumulated Contributions—Payment to Beneficiary or Next of Kin	1253
TITLE 72 SOLDIERS AND SAILORS		1254
72-§ 32	Burial Expenses Paid by County	1254
72-§ 49.1	Removal of Disability of Minority	1254
TITLE 74 STATE GOVERNMENT		1255
CHAPTER 29 OKLAHOMA PUBLIC EMPLOYEES RETIREMENT SYSTEM (OPERS)		1255
74-§ 916	Death of Member Before Retirement	1255
74-§ 916.1	Payments Upon Death—Waiver of Probate Procedures ...	1255
74-§ 923	Protection Of Vested Rights—Exemption Of Benefits From Legal Process—Offset	1257
CHAPTER 37 OKLAHOMA EMPLOYEES INSURANCE AND BENEFITS ACT		1259
74-§ 1316.2	Continuance of Health and Dental Insurance Benefits— Retired Employees—Dependents of Deceased Employee .	1259
TITLE 76 TORTS		1263
76-§ 1.1	Parent or Child Not Answerable for Other's Act	1263
OKLAHOMA CONSTITUTION		1263
ARTICLE 2 BILL OF RIGHTS		1263
§ 32	Perpetuities — Monopolies — Primogeniture — Entailments ...	1263
§ 35	Marriage Defined—Construction of Law and Constitution— Recognition of Out-of-State Marriages—Penalty	1263
§ 37	Health care systems — Payment and participation	1264
ARTICLE 10 HOMESTEAD EXEMPTION		1265
§ 8E	Homestead exemption—Military service disability	1265
§ 8F	Homestead exemption—Surviving spouse of military service members who died in the line of duty	1266

ARTICLE 12 HOMESTEAD AND EXEMPTIONS	1266
§ 1 Extent and Value of Homestead—Rights of Indians—Temporary Renting.....	1266
§ 2 Exemption from forced sale — Consent of spouse to sale — Mortgages	1267
ARTICLE 12A HOMESTEAD EXEMPTION FROM TAXATION	1267
§ 1 Exemption from ad valorem taxation authorized	1267
§ 2 Duration of exemption — Increase of homestead	1267
ARTICLE 22 ALIEN AND CORPORATE OWNERSHIP OF LANDS	1268
§ 1 Aliens — Ownership of land prohibited — Disposal of lands acquired	1268
§ 2 Corporations — Buying, acquiring or dealing in real estate.....	1268
PART L OKLAHOMA RULES OF PROFESSIONAL CONDUCT—SELECTED PROVISIONS	1269
TITLE 5 OKLA. STATS. APPENDIX 1-A—RULES GOVERNING DISCIPLINARY PROCEEDINGS	1270
RULE 12 WINDING UP BUSINESS OF LAWYER WHO IS DECEASED, INCAPACITATED OR MISSING NOT PENDING DISCIPLINARY PROCEEDINGS	1270
§ 12.1 Notice to General Counsel.....	1270
§ 12.2 Action by General Counsel to Ensure Protection of Clients upon the Receipt of Notice Pursuant to Rule.....	1271
§ 12.3 Appointment of Counsel to Protect Interests of Clients of Deceased, Incapacitated or Disappeared Lawyer	1271
TITLE 5 OKLA. STATS., CH. 1—APPENDIX 3A—RULES OF PROFESSIONAL CONDUCT	1272
PREAMBLE: A LAWYER’S RESPONSIBILITIES	1272
SCOPE	1274
CLIENT-LAWYER RELATIONSHIP	1276
Rule 1.0 Terminology	1276
Rule 1.1 Competence	1278
Rule 1.2 Scope of representation and allocation of authority between client and lawyer	1278
Rule 1.3 Diligence	1278
Rule 1.4 Communication	1278
Rule 1.5 Fees	1279
Rule 1.6 Confidentiality of information	1280
Rule 1.7 Conflict of interest: Current clients	1281
Rule 1.8 Conflict of interest: Current clients: Specific rules	1282
Rule 1.9 Conflict of interest: Duties to former clients	1283
Rule 1.10 Imputation of conflicts of interest: General rule.....	1284

TABLE OF CONTENTS

Rule 1.11	Special conflicts of interest for former and current government officers and employees	1284
Rule 1.12	Former judge, arbitrator, mediator or other third-party neutral	1286
Rule 1.13	Organization as client	1286
Rule 1.14	Client with diminished capacity	1287
Rule 1.15	Safekeeping property	1288
Rule 1.16	Declining or terminating representation	1294
Rule 1.17	Sale of law practice	1295
Rule 1.18	Duties to prospective client	1297
COUNSELOR		1297
Rule 2.1	Advisor	1297
Rule 2.3	Evaluation for use by third persons	1298
Rule 2.4	Lawyer serving as third-party neutral	1298
ADVOCATE		1298
Rule 3.1	Meritorious claims and contentions	1298
Rule 3.2	Expediting litigation	1298
Rule 3.3	Candor toward the tribunal	1298
Rule 3.4	Fairness to opposing party and counsel	1299
Rule 3.5	Impartiality and decorum of the tribunal	1300
Rule 3.6	Trial publicity	1300
Rule 3.7	Lawyer as witness	1301
Rule 3.8	Special Responsibilities of a Prosecutor	1301
Rule 3.9	Advocate in nonadjudicative proceedings	1302
TRANSACTIONS WITH PERSONS OTHER THAN CLIENTS		1303
Rule 4.1	Truthfulness in statements to others	1303
Rule 4.2	Communication with person represented by counsel	1303
Rule 4.3	Dealing with unrepresented person	1303
Rule 4.4	Respect for rights of third persons	1303
LAW FIRMS AND ASSOCIATIONS		1303
Rule 5.1	Responsibilities of partners, managers, and supervisory lawyers	1303
Rule 5.2	Responsibilities of a subordinate lawyer	1304
Rule 5.3	Responsibilities regarding nonlawyer assistants	1304
Rule 5.4	Professional independence of a lawyer	1305
Rule 5.5	Unauthorized practice of law; multijurisdictional practice of law	1306
Rule 5.6	Restrictions on right to practice	1307
Rule 5.7	Responsibilities regarding law-related services	1307
INFORMATION ABOUT LEGAL SERVICES		1307
Rule 7.1	Communications concerning a lawyer's services	1307
Rule 7.2	Advertising	1307
Rule 7.3	Solicitation of Clients	1308
Rule 7.4	Communication of fields of practice and certification	1309
PART M GUARDIANSHIP MATERIALS		1310

GUARDIANSHIP HANDBOOK.....	1310
PART N TITLE EXAMINATION STANDARDS—SELECTED PROVISIONS.....	1323
TITLE 16 OKLA. STATS. (CONVEYANCES), APPENDIX TITLE EXAMINATION STANDARDS.....	1325
CHAPTER 4 CAPACITY TO CONVEY	1325
16-§ 4.1 Minority.....	1325
16-§ 4.2 Mental Capacity to Convey	1325
16-§ 4.3 Capacity of Conservatees to Convey	1326
CHAPTER 6 EXECUTION, ACKNOWLEDGMENT AND RECORDING.....	1327
16-§ 6.7 Validity of Instruments Executed by Attorneys-in-Fact.....	1327
CHAPTER 7 MARITAL INTERESTS	1329
16-§ 7.1 Marital Interests; Definition; Applicability of Standards; Bar or Presumption of Their Nonexistence.....	1329
16-§ 7.2 Marital Interests and Marketable Title	1330
CHAPTER 8 JOINT TENANCIES AND LIFE ESTATES	1331
16-§ 8.1 Termination of Joint Tenancy Estates and Life Estates	1331
16-§ 8.2 Direct Conveyances	1333
16-§ 8.3 One Grantee	1334
CHAPTER 10 CONVEYANCES INVOLVING PARTNERSHIPS AND JOINT VENTURES.....	1334
16-§ 10.6 No Marital Rights in Partnership Real Estate.....	1334
16-§ 10.7 Assets of Partnership Not Subject to Execution for Debts of Individual Partners	1335
CHAPTER 11 TITLE THROUGH DECENDENTS' ESTATES	1335
16-§ 11.1 Conveyance to Estate.....	1335
16-§ 11.2 Final Account—Tax Finding.....	1335
CHAPTER 13 PARTNERSHIPS AND JOINT VENTURES .	1336
16-§ 13.5 No Marital Rights in Partnership Real Property	1336
16-§ 13.6 Assets of Partnership Not Subject to Execution for Debts of Individual Partners	1336
CHAPTER 14 LIMITED LIABILITY COMPANIES.....	1337
16-§ 14.5 No Marital Rights in Property Owned by Limited Liability Company	1337
16-§ 14.6 Assets of Limited Liability Company Not Subject to Execution for Debts of Managers or Members.....	1337

TABLE OF CONTENTS

CHAPTER 15 TRUSTS AND TRUSTEES	1337
16-§ 15.1 Powers of Trustee.....	1337
16-§ 15.2 Title to Property Held Under an Express Private Trust	1338
16-§ 15.2.1 Conveyances By an Express Private Trust or by the Trustee or Trustees of an Express Private Trust.....	1339
16-§ 15.3 Presence of Words “Trustee,” “As Trustee,” or “Agent”	1339
16-§ 15.4 Estate Tax Concerns of Revocable Trusts.....	1340
CHAPTER 17 TITLE THROUGH DECEDENTS’ ESTATES	1341
16-§ 17.1 Conveyance to Estate	1341
16-§ 17.2 Final Account—Tax Finding.....	1342
16-§ 17.3 Reference to Property in Probate Decrees	1342
16-§ 17.4 Transfer-on-Death Deeds	1342
16-§ 17.4.1 Accepting an Interest Pursuant to a Transfer-on-Death Deed.....	1344
16-§ 17.5 Scope of Determination of Heirship	1344
CHAPTER 18 SIMPLIFICATION OF LAND TITLES ACT .	1345
16-§ 18.2 Protection Afforded by the Act	1345
16-§ 18.3 Purchaser for Value	1346
16-§ 18.4 Conveyance of Record	1346
16-§ 18.6 Abstracting	1347
CHAPTER 19 MARKETABLE RECORD TITLE ACT	1348
16-§ 19.4 Matters Purporting to Divest.....	1348
CHAPTER 21 POWERS OF ATTORNEY	1349
16-§ 21.1 Validity of Instruments Executed by Attorney-in-Fact	1349
CHAPTER 22 CONVEYANCES INVOLVING TRUSTEES...	1349
16-§ 22.1 Powers of Trustee.....	1349
16-§ 22.2 Title to Property Held Under an Express Private Trust	1349
16-§ 22.3 Presence of Words “Trustee”, “As Trustee” or “Agent”	1350
CHAPTER 23 JUDGMENT LIENS, EXECUTION AND ATTACHMENT	1350
16-§ 23.4 Child Support Arrearage Liens Pursuant to 43 O.S. § 135 .	1350
CHAPTER 24 MORTGAGES AND OTHER LIENS.....	1352
16-§ 24.3 Release by Personal Representative.....	1352
CHAPTER 25 TAX LIENS	1353
16-§ 25.1 The General Federal Tax Lien	1353
16-§ 25.2 The Federal Estate Tax Lien.....	1356
16-§ 25.3 Federal Estate Tax Special Liens Under 26 U.S.C. § 6324A and § 6324B	1358
16-§ 25.4 The Federal Gift Tax Lien	1359
16-§ 25.5 Oklahoma Estate Tax Lien	1360

16-§ 25.6	Oklahoma Tax Warrants	1362
16-§ 25.7	Gift Taxes, Oklahoma	1363
CHAPTER 29 SIMPLIFICATION OF LAND TITLES ACT .		1364
16-§ 29.1	Remedial Effect	1364
16-§ 29.2	Protection Afforded by the Act	1365
16-§ 29.3	Purchaser for Value	1366
16-§ 29.6	Abstracting	1366
CHAPTER 30 MARKETABLE RECORD TITLE ACT		1367
16-§ 30.1	Remedial Effect	1367
16-§ 30.2	Requisites of Marketable Record Title	1368
16-§ 30.3	Unbroken Chain of Title of Record	1368
16-§ 30.4	Matters Purporting to Divest.....	1369
16-§ 30.5	Interests or Defects in the Thirty-Year Chain.....	1370
16-§ 30.10	Quit Claim Deed or Judicial Decree in Thirty-Year Chain	1370
PART O MEDICAID ELIGIBILITY RULES—SELECTED PROVISIONS ..		1372
OKLAHOMA ADMINISTRATIVE CODE		1377
TITLE 317 OKLAHOMA HEALTH CARE AUTHORITY		1377
CHAPTER 35 MEDICAL ASSISTANCE FOR ADULTS AND CHILDREN—ELIGIBILITY		1377
SUBCHAPTER 1 GENERAL PROVISIONS		1377
OAC 317:35-1-1	Purpose	1377
OAC 317:35-1-2	Definitions.....	1377
OAC 317:35-1-3	Legal bases.....	1382
SUBCHAPTER 3 COVERAGE AND EXCLUSIONS		1382
OAC 317:35-3-1	Reimbursement	1382
OAC 317:35-3-2	SoonerCare transportation and subsistence [REVOKED 9-1-21].....	1383
OAC 317:35-3-3	Prior authorization requirements [REVOKED]	1383
SUBCHAPTER 5 ELIGIBILITY AND COUNTABLE INCOME		1384
PART 1 DETERMINATION OF QUALIFYING CATEGORICAL RELATIONSHIPS		1384
OAC 317:35-5-1	Scope and applicability.....	1384
OAC 317:35-5-2	Categorically related programs.....	1384
OAC 317:35-5-3	Determining categorical relationship to the aged	1386
OAC 317:35-5-4	Determining categorical relationship to the disabled.....	1386
OAC 317:35-5-4.1	Special level of care and cost effectiveness application procedures for Tax Equity and Fiscal	

TABLE OF CONTENTS

	Responsibility Act (TEFRA)	1391
OAC 317:35-5-4.2	Determining nursing facility level of care for TEFRA children	1392
OAC 317:35-5-4.3	Determining acute hospital level of care for TEFRA children	1392
OAC 317:35-5-5	Determining categorical relationship to the blind....	1393
OAC 317:35-5-6	Determining categorical relationship to pregnancy-related services	1393
OAC 317:35-5-6.1	Determining categorical relationship for pregnancy related services covered under Title XXI.....	1394
OAC 317:35-5-7	Determining categorical relationship to the children and parent and caretaker relative groups	1394
OAC 317:35-5-8	Determining categorical relationship for the SoonerPlan Family Planning Program.....	1395
OAC 317:35-5-9	Determining the categorical relationship to expansion adults.....	1395
PART 3 NON-MEDICAL ELIGIBILITY REQUIREMENTS.		1396
OAC 317:35-5-25	Citizenship/alien status and identity verification requirements	1396
OAC 317:35-5-26	Residence requirements; residents of public institutions; homeless persons; and residents of HIS, BIA or Tribal controlled dormitories	1407
OAC 317:35-5-27	Social Security number.....	1408
PART 5 COUNTABLE INCOME AND RESOURCES		1408
OAC 317:35-5-40	Scope and applicability	1408
OAC 317:35-5-41	Determination of capital resources for individuals categorically related to aged, blind and disabled.....	1408
OAC 317:35-5-41.1	Home/real property	1410
OAC 317:35-5-41.2	Miscellaneous Personal property	1413
OAC 317:35-5-41.3	Automobiles, pickups, and trucks	1416
OAC 317:35-5-41.4	Stocks and bonds.....	1417
OAC 317:35-5-41.5	Purchase of promissory notes, loans, or mortgages	1417
OAC 317:35-5-41.6	Trust accounts	1418
OAC 317:35-5-41.7	Retirement funds.....	1426
OAC 317:35-5-41.8	Eligibility regarding long-term care services	1428
OAC 317:35-5-41.9	Exclusions from resources.....	1433
OAC 317:35-5-41.10	Changes in capital resources	1439
OAC 317:35-5-41.11	Maximum resources	1440
OAC 317:35-5-41.12	Real or personal property essential to self-support.....	1441
OAC 317:35-5-42	Determination of countable income for individuals categorically related to aged, blind and disabled.....	1443
OAC 317:35-5-43	Third party resources; insurance, workers' compensation and Medicare	1473
OAC 317:35-5-44	Child/spousal support.....	1476
OAC 317:35-5-45	Determination of income and resources for children and parents and caretaker relatives ...	1476

OAC 317:35-5-46	Determination of income and resources for categorical relationship to pregnancy-related services	1478
OAC 317:35-5-47	Determination of income and resources for categorical relationship to Disability for TB infected individuals.....	1478
OAC 317:35-5-48	Determination of income and resources for categorical relationship to expansion adults.....	1478
OAC 317:35-5-49	Determination of income and resources for categorical relationship to Tax Equity and Fiscal Responsibility Act (TEFRA)	1479

PART 7 APPLICATION, ELIGIBILITY DETERMINATION AND NOTIFICATION PROCEDURES 1479

OAC 317:35-5-60	Application for SoonerCare; forms	1479
OAC 317:35-5-63	Agency responsible for determination of eligibility..	1480
OAC 317:35-5-64	Cooperation in determination of eligibility.....	1481
OAC 317:35-5-65	Notification of Eligibility	1482
OAC 317:35-5-66	Electronic Notices	1482
OAC 317:35-5-67	Returned Mail	1482

SUBCHAPTER 6 SOONERCARE FOR PREGNANT WOMEN AND FAMILIES WITH CHILDREN 1483

PART 1 GENERAL..... 1483

OAC 317:35-6-1	Scope and applicability	1483
----------------	-------------------------------	------

PART 5 DETERMINATION OF ELIGIBILITY FOR SOONERCARE HEALTH BENEFITS FOR PREGNANT WOMEN AND FAMILIES WITH CHILDREN 1484

OAC 317:35-6-35	General eligibility consideration.....	1484
OAC 317:35-6-36	Financial eligibility of individuals categorically related to aid to families with dependent children (AFDC), pregnancy-related services or expansion adults.....	1484
OAC 317:35-6-37	Financial eligibility of categorically needy individuals related to aid to families with dependent children (AFDC), pregnancy-related services, parent/caretaker relatives, families with children, and expansion adults	1485
OAC 317:35-6-39	General calculation of countable income for MAGI eligibility groups	1486
OAC 317:35-6-40	MAGI household composition; taxpayers and tax dependents.....	1487
OAC 317:35-6-41	MAGI household composition; tax filers	1487
OAC 317:35-6-42	MAGI household composition; exceptions to tax filer rules.....	1488
OAC 317:35-6-43	MAGI household composition; non-filers	1488
OAC 317:35-6-44	Determination of whether a household member's income is counted	1489

TABLE OF CONTENTS

PART 6 COUNTABLE INCOME FOR MAGI	1489
OAC 317:35-6-50 Countable sources of income.....	1489
OAC 317:35-6-51 Exceptions to Internal Revenue Code rules.....	1490
OAC 317:35-6-52 Adjustments to income	1491
OAC 317:35-6-53 Determination of current monthly income	1491
OAC 317:35-6-54 Determination of current monthly amount of adjustments to income.....	1491
PART 7 CERTIFICATION, REDETERMINATION AND NOTIFICATION.....	1491
OAC 317:35-6-60 Certification for SoonerCare for pregnant women and families with children	1491
OAC 317:35-6-60.1 Changes in circumstances.....	1494
OAC 317:35-6-60.2 Retroactive eligibility.....	1495
SUBCHAPTER 7 MEDICAL SERVICES.....	1496
PART 1 GENERAL.....	1496
OAC 317:35-7-1 Scope and applicability	1496
PART 3 APPLICATION PROCEDURES.....	1496
OAC 317:35-7-15 Application for Medical Services; forms [Revoked] ..	1496
OAC 317:35-7-16 Special application procedures for children in OKDHS custody	1496
OAC 317:35-7-17 Special application procedures for children in emergency shelters [Revoked]	1498
OAC 317:35-7-18 Special application procedures for a child in Children's Hospital of Oklahoma (CHO) [Revoked].....	1498
OAC 317:35-7-19 Special application procedures for categorically needy pregnant women and young children [Revoked].....	1498
PART 5 DETERMINATION OF ELIGIBILITY FOR MEDICAL SERVICES	1498
OAC 317:35-7-35 General eligibility consideration; categorically related family members [Revoked]	1498
OAC 317:35-7-36 Financial eligibility of individuals categorically related to ABD.....	1498
OAC 317:35-7-37 Financial eligibility of individuals categorically related to AFDC, or pregnancy-related services [Revoked].....	1499
OAC 317:35-7-38 Financial eligibility of categorically needy individuals related to ABD.....	1500
OAC 317:35-7-39 Financial eligibility of medically needy individuals [Revoked].....	1503
OAC 317:35-7-40 Eligibility as Qualified Medicare Beneficiary Plus ..	1503
OAC 317:35-7-41 Eligibility as Qualified Disabled and Working Individual	1503
OAC 317:35-7-42 Presumptive eligibility for pregnant women [Revoked].....	1504

OAC 317:35-7-43	Eligibility as Specified Low-Income Medicare Beneficiaries	1504
OAC 317:35-7-44	Eligibility for TB related services	1505
OAC 317:35-7-46	Eligibility as Qualifying Individuals	1506
OAC 317:35-7-48	Eligibility for the SoonerPlan Family Planning Program	1506

PART 7 CERTIFICATION, REDETERMINATION AND NOTIFICATION 1507

OAC 317:35-7-60	Certification for SoonerCare.....	1507
OAC 317:35-7-60.1	Certification for the SoonerPlan Family Planning Program.....	1510
OAC 317:35-7-61	Redetermination of eligibility for persons receiving ABD or TANF	1511
OAC 317:35-7-61.1	Special redetermination procedures for Tax Equity and Fiscal Responsibility Act (TEFRA) ...	1511
OAC 317:35-7-62	Special redetermination procedures for children in custody or subsidized adoptions	1511
OAC 317:35-7-63	Notification of eligibility [Revoked].....	1511
OAC 317:35-7-64	Denials [Revoked]	1512
OAC 317:35-7-65	Closures [Revoked]	1512
OAC 317:35-7-66	Transfer of case records between counties [Revoked]	1512

SUBCHAPTER 9 ICF/IID, HCBW/IID, AND INDIVIDUALS AGE 65 OR OLDER IN MENTAL HEALTH HOSPITALS..... 1512

PART 2 MEDICAID RECOVERY PROGRAM..... 1512

OAC 317:35-9-15	Medicaid recovery.....	1512
-----------------	------------------------	------

PART 7 DETERMINATION OF FINANCIAL ELIGIBILITY 1517

OAC 317:35-9-65	General financial eligibility requirements for ICF/MR, HCBW/MR, and individuals age 65 or older in mental health hospitals	1517
OAC 317:35-9-67	Determining financial eligibility of categorically needy individuals	1517
OAC 317:35-9-68	Determining financial eligibility for care in an ICF/MR (public and private), for HCBW/MR services, and for persons age 65 or older in mental health hospitals	1526

PART 11 PAYMENT, BILLING, AND OTHER ADMINISTRATIVE PROCEDURES 1533

OAC 317:35-9-100	Management of client's funds while receiving care in NF, ICF/MR (public and private) or for persons age 65 or older in mental health hospitals	1533
------------------	--	------

TABLE OF CONTENTS

SUBCHAPTER 10 OTHER ELIGIBILITY FACTORS FOR FAMILIES WITH CHILDREN AND PREGNANT WOMEN .	1534
PART 3 RESOURCES.....	1534
OAC 317:35-10-10 Capital resources	1534
PART 5 INCOME	1535
OAC 317:35-10-25 Income defined	1535
OAC 317:35-10-26 Income	1535
OAC 317:35-10-38 Temporary absence from the home.....	1539
SUBCHAPTER 13 MEMBER RIGHTS AND RESPONSIBILITIES	1540
OAC 317:35-13-1 Civil rights	1540
OAC 317:35-13-2 Courteous and prompt action	1540
OAC 317:35-13-6 Fraud	1540
SUBCHAPTER 15 PERSONAL CARE SERVICES	1541
OAC 317:35-15-1 Overview of long-term medical care services; relationship to QMBP, SLMB, and other SoonerCare service eligibility.....	1541
OAC 317:35-15-5 General financial eligibility requirements for Personal Care	1541
OAC 317:35-15-6 Determining financial eligibility of categorically needy individuals	1542
OAC 317:35-15-7 Certification for Personal Care.....	1543
OAC 317:35-15-8.1 Agency Personal Care services; billing, and problem resolution	1543
OAC 317:35-15-9 Redetermination of financial eligibility for Personal Care	1545
SUBCHAPTER 19 NURSING FACILITY SERVICES	1545
OAC 317:35-19-4 Medicaid recovery	1545
OAC 317:35-19-19 General financial eligibility requirements for NF and skilled nursing care	1549
OAC 317:35-19-20 Determining financial eligibility of categorically needy individuals	1550
OAC 317:35-19-21 Determining financial eligibility for care in NF....	1559
OAC 317:35-19-22 Certification for Nursing Facility (NF)	1567
OAC 317:35-19-23 Redetermination of eligibility for NF care	1568
CHAPTER 75 CHILD WELFARE SERVICES	1568
SUBCHAPTER 13 OTHER CHILD WELFARE SERVICES AND MEDICAL SERVICES FOR CHILDREN IN OUT-OF-HOME CARE	1568
PART 3 INCOME AND RESOURCES OF THE CHILD	1568
OAC 340:75-13-30 Special Needs Trust	1568

APPENDIX C-1 MAXIMUM INCOME, RESOURCE, AND PAYMENT STANDARDS	1569
PART P INTERESTS IN PROPERTY	1577
PROPERTY	
(TITLE 60, OKLA. STATS.)	1577
DEFINITION OF PROPERTY.....	1577
60-§ 1 Definition of Property.....	1577
60-§ 2 Ownership, What Subject to	1577
60-§ 3 Wild Animals May Be Owned, When	1577
60-§ 4 Property Classified	1577
60-§ 5 Real Property Defined	1577
60-§ 6 Land Defined	1578
60-§ 7 Fixtures Defined.....	1578
60-§ 8 Appurtenances Defined.....	1578
60-§ 9 Personal Property Defined	1578
ESTATES IN REAL PROPERTY	1578
60-§ 21 Real Property, What Law Governs.....	1578
60-§ 22 Classification as to Duration	1579
60-§ 23 Estate in Fee Defined	1579
60-§ 24 Estates Tail Abolished.....	1579
60-§ 26 Certain Estates Defined.....	1579
60-§ 27 Estate Pour Autre Vie.....	1579
60-§ 28 Particular Estate Not Necessary to Remainder	1579
60-§ 29 Reversion Defined.....	1579
60-§ 30 Remainder Defined	1579
60-§ 31 Suspension of Alienation.....	1580
60-§ 32 Suspension of Ownership Limited	1580
60-§ 33 Repealed by Laws 2015, c. 164, § 4, eff. Nov. 1, 2015.....	1580
60-§ 34 Contingent Remainder in Fee, on Prior Remainder	1580
60-§ 35 Future Estates	1580
60-§ 36 Certain Limitations of Estates Void	1580
60-§ 36.1 Death of Life Tenant—Prima Facie Evidence	1581
60-§ 37 Remainder on Successive Lives Must Be in Fee	1581
60-§ 38 Contingent Remainder on Term of Years.....	1581
60-§ 39 Estate for Life Limited as Remainder	1581
60-§ 40 Conditional Limitations.....	1581
60-§ 41 Remainder in Fee to Heirs after Life Estate	1581
60-§ 42 Remainder Not Contingent	1582
60-§ 43 Future Estate after Unexecuted Power	1582
60-§ 44 Termination of Estate at Will	1582
60-§ 45 Notice of Termination	1582
60-§ 46 Action after Notice.....	1582
60-§ 47 Reentry, Notice of	1582
60-§ 48 Possession, Action for.....	1583
60-§ 49 Easements Attached to Land.....	1583
UNIFORM ENVIRONMENTAL COVENANTS ACT	1584
60-§ 50 Easements Not Attached to Land	1584

TABLE OF CONTENTS

60-§ 51	Dominant and Servient Tenements	1584
60-§ 52	Servitude, Who May Create	1584
60-§ 53	Servitude, Who Cannot Hold	1584
60-§ 54	Extent of Servitude	1584
60-§ 55	Partition of Servitude	1584
60-§ 56	Rights of Owner of Future Estate	1584
60-§ 57	Action to Enforce Easement	1585
60-§ 58	Action for Possession of Servient Tenement	1585
60-§ 59	Servitude Extinguished, How	1585
60-§ 60	Ownership of Water—Use of Running Water.....	1585
60-§ 61	Life Lease Rent	1586
60-§ 62	Life Lease Rent, Recovery after Death	1586
60-§ 63	Action for Injury to Inheritance.....	1586
60-§ 64	Fee Title Covers What	1586
60-§ 66	Lateral and Subjacent Support, Right to.....	1586
60-§ 67	Trees on Land, Ownership of.....	1587
60-§ 68	Trees on Line, Ownership of.....	1587
60-§ 69	Duties of Life Tenant.....	1587
60-§ 70	Boundaries and Fences.....	1587
60-§ 71	Appointment of Trustee Where There Are Contingent Remainders	1587
60-§ 72	Trustee May Make Oil and Gas Leases and Other Mining Leases	1587
60-§ 73	Trustee's Authority to Invest Income from Royalties— Payments to Life Tenant or Other Person	1588
60-§ 74	Joint Tenancy and Tenancy by Entirety.....	1588
60-§ 74.1	Partial Invalidity	1589
60-§ 75	Reformation of Interests Violating Rule Against Perpetuities—Intent	1589
60-§ 76	Construction in Accordance with Cy Pres Doctrine	1589
60-§ 77	Reformation of Offending Instruments	1589
60-§ 78	Applicability to Certain Inter Vivos Instruments, Wills and Appointments.....	1589
POWERS RELATING TO REAL PROPERTY.....		1590
POWER OF APPOINTMENT.....		1590
60-§ 299.1	Common Law	1590
60-§ 299.2	Creation	1590
60-§ 299.3	Donees—Exercising Power of Appointment	1590
60-§ 299.4	Insufficient Instruments—Additional Formalities.....	1590
60-§ 299.5	Persons Who May Exercise.....	1590
60-§ 299.6	Two or More Persons Vested With a Power of Appointment.....	1590
60-§ 299.7	Consent of Donor—Writing—Recording.....	1591
60-§ 299.8	Appointment of All of the Property to One or More of the Objects to the Exclusion of the Others	1591
60-§ 299.9	Donee Authorized to Appoint Himself—Creditors— Claims—Fraudulent Conveyances	1591
60-§ 299.10	Transfer by Deed or Will—Property Conveyed	1591
60-§ 299.11	Conveyances and Devises	1592
60-§ 299.12	Suspension of Right of Alienation—Computation of Time	1592

60-§ 299.13	Advancements to Descendents	1592
60-§ 299.14	Assignment For the Benefit of Creditors	1592
60-§ 299.15	Power of Revocation—Reservation—Effect	1592
60-§ 299.16	Absolute Power of Disposition in Grantee or Beneficiary	1592
PERSONAL PROPERTY		1593
GENERAL PROVISIONS		1593
60-§ 311	Law Governing Personalty	1593
60-§ 312	Thing in Action	1593
60-§ 313	Thing in Action May Be Transferred	1593
60-§ 314	Trademarks	1593
60-§ 315	Goodwill	1593
60-§ 316	Goodwill as Property	1593
60-§ 317	Title Deeds	1593
60-§ 319	Oil and Gas Well Equipment—Lease, Loan or Option to Purchase—Filing Instrument in County Clerk’s Office	1594
60-§ 320	Filing and Indexing	1594
60-§ 321	Verbal Lease or Loan Void as Against Innocent Purchasers or Creditors	1594
RETIREMENT, PENSION OR PROFIT SHARING PLAN		1594
60-§ 326	Perpetuities and Restraints on Alienation	1594
60-§ 327	Provisions Against Alienation or Encumbrance	1594
60-§ 328	Power to Alienate or Encumber—Exemption from Process and Claims	1595
ACQUISITION OF PROPERTY		1595
60-§ 331	Property Acquired, How	1595
60-§ 332	Title by Occupancy	1595
60-§ 333	Prescription, Title by	1595
60-§ 334	Fixture May Not Be Moved—Exceptions	1595
60-§ 335	Riparian Accretions	1596
60-§ 336	Removals in Mass May Be Reclaimed	1596
60-§ 337	Islands in Navigable Streams	1596
60-§ 338	Islands in Other Streams	1596
60-§ 339	Island Formed by a New Channel	1596
60-§ 340	Ownership of Ancient Bed	1596
60-§ 341	Things Inseparably United	1597
60-§ 342	Principal Part Defined	1597
60-§ 343	Principal Part, How Determined	1597
60-§ 344	Work and Material Combined	1597
60-§ 345	Blended Materials	1597
60-§ 347	Use Without Owner’s Consent	1598
60-§ 348	Right of Owner	1598
60-§ 349	Damages	1598
60-§ 350	Definitions—Legislative findings—Recorded transfer fees...	1598
UNIFORM UNCLAIMED PROPERTY ACT		1600
60-§ 651	Definitions	1600
60-§ 651.2	Sum Payable on Check, Certified Check, Cashier’s	

TABLE OF CONTENTS

	Check, Draft, or Similar Instrument—Presumption of Abandonment—Burden of Proof—Affirmative Defenses .	1602
60-§ 652	Property Held by Banking or Financial Organizations	1603
60-§ 653	Funds held or owing under life or endowment insurance policy or annuity contract	1605
60-§ 654.1	Sum Business Association Prdered to Refund by Court or Administrative Agency	1607
60-§ 655	Stock or Other Equity Interest in Business Association—Unmatured or Matured Debt	1607
60-§ 655.1	Intangible Property Distributable in Course of Dissolution of Business Corporation	1608
60-§ 656	Property or Funds Held by Fiduciary	1609
60-§ 657	Property Held by Courts, Public Officers and Agencies	1609
60-§ 657.2	Unpaid Wages Owing in Ordinary Course of Business	1610
60-§ 657.3	Personal Property Held in Safe Deposit Box or Other Safekeeping Repository	1610
60-§ 657.4	Intangible property—Presumption of abandonment	1610
60-§ 658	Miscellaneous Personal Property Held for Another	1611
60-§ 658.1	Mineral Interests in Land	1611
60-§ 658.1A	Mineral Interests Generating Intangible Personal Property	1612
60-§ 659	Additional Conditions Leading to Presumption of Abandonment	1612
60-§ 663	Payment or Delivery of Abandoned Property	1613
60-§ 666	Periods of Limitation—Effect—Application	1614
60-§ 674	Claim for Abandoned Property	1615
60-§ 674.2	Property Delivered to the State Treasurer	1616
60-§ 677.1	Destruction of Property Having Insubstantial Commercial Value	1617
	OKLAHOMA AIRSPACE ACT	1617
60-§ 802	Airspace Defined—Provisions Pertaining to Aviation not Affected	1617
60-§ 803	Airspace as Real Property	1617
60-§ 804	Airspace Subject to Same Statutes, Rules of Law and Common Law as Other Real Property	1617
60-§ 805	Titles, Estates, Rights and Interests as Pertaining to Airspace	1618
60-§ 806	State, Governmental Units, Individuals, Corporations, etc. as Possessing Same Powers and Duties With Respect to Airspace as to Other Property	1618
60-§ 807	Division of Airspace	1619
60-§ 808	Right, Title, and Interest to Pass at Death of Owner	1619
60-§ 809	Taxation	1619
	WATERS AND WATER RIGHTS	
	(TITLE 82, OKLA. STATS.)	1619
	IRRIGATION AND WATER RIGHTS	1619
	STREAM WATER USE	1619
82-§ 105.1	Definitions	1619
82-§ 105.1A	Purpose of Law—Legislative Intent	1620

82-§	105.2	Right to Use Water—Domestic Use—Priorities	1621
82-§	105.3	Right of Eminent Domain	1623
82-§	105.4	Diversion of Water.....	1623
82-§	105.5	Impairment of Water Rights—Suits in District Court.....	1623
82-§	105.6	Adjudication of Rights—Suit	1623
82-§	105.7	Parties to Suit—Intervention—Orders	1624
82-§	105.8	Decree—Contents—Copies to be Filed	1624
82-§	105.9	Application for Water Rights	1624
82-§	105.10	Rules Governing Applications	1625
82-§	105.11	Notice of Application—Protest—Hearing.....	1626
82-§	105.12	Approval of Application by Oklahoma Water Resources Board—Use of Water Outside the State	1627
82-§	105.12A	Permits to use water outside of state.....	1628
82-§	105.13	Seasonal, Temporary, Term and Provisional Permits— Limited Quantity Stream Water Permits.....	1629
82-§	105.14	Denial of Permit—Approval of Application for Lesser Amount—Appeal	1630
82-§	105.15	Time for Commencement of Works.....	1630
82-§	105.16	Time for Putting Water to Beneficial Use.....	1631
82-§	105.17	Reversion of Water to Public.....	1631
82-§	105.18	Loss of Right to Use Water—Notice—Hearing	1632
82-§	105.19	Surrender of Water Rights	1632
82-§	105.20	Violations	1632
82-§	105.21	Surplus Water	1633
82-§	105.22	Severance and Transfer of Water Right	1633
82-§	105.23	Uses of Water for Other Purposes.....	1634
82-§	105.24	Assignment of Appropriation Permit—Transfer of Title to Land	1634
82-§	105.25	Notice of Completion—Inspection.....	1634
82-§	105.26	Certificate of Completion.....	1635
82-§	105.27	Unsafe Works to be Changed—United States Works not Subject to Inspection.....	1635
82-§	105.28	Measurement of Water	1636
82-§	105.29	Appropriations of Water by the United States.....	1636
82-§	105.30	Extension of Period of Withdrawal Under National Emergency	1638
82-§	105.31	Records of Oklahoma Water Resources Board Open to Public.....	1638
82-§	105.32	Effect of Act on Forfeited Water Rights and Priority Dates	1638
OKLAHOMA GROUNDWATER LAW			1638
82-§	1020.1	Definitions	1638
82-§	1020.2	Declaration of Policy—Applicability	1639
82-§	1020.2A	Taking and Use of Water from Aquifers—Permits	1643
82-§	1020.3	Domestic Use—Spacing of Wells and Waste	1644
82-§	1020.4	Hydrologic Surveys and Investigations.....	1644
82-§	1020.5	Determination of Maximum Annual Yield	1644
82-§	1020.6	Hearings on Annual Yield.....	1645
82-§	1020.7	Application for Permit to Take and Use Groundwater ...	1646
82-§	1020.8	Notice and Hearing Upon Application.....	1646
82-§	1020.9	Approval of Application	1647
82-§	1020.9A	Sensitive Sole Source Groundwater Basins or	

TABLE OF CONTENTS

	Subbasins—Moratorium on Issuance of Certain Temporary Permits	1649
82-§ 1020.9B	Moratorium on Municipalities and Other Political Subdivisions—Prohibition of Contract or Agreement for Use of Groundwater from Sensitive Sole Source Groundwater Basin	1650
82-§ 1020.9C	Moratorium on Actions Related to Operation of Mines That May Affect Sensitive Sole Source Groundwater Basins or Subbasins.....	1650
82-§ 1020.10	Temporary or Special Permits—Limited Quantity Groundwater Permits	1652
82-§ 1020.11	Types of Permits—Fees	1652
82-§ 1020.12	Report of Water Used	1654
82-§ 1020.13	Surrender of Permits.....	1655
82-§ 1020.14	Prior Use of Groundwater	1655
82-§ 1020.15	Waste Prohibited—Enforcement	1655
82-§ 1020.16	Commercial Drilling or Plugging License—Deposit of Fees—Penalties.....	1656
82-§ 1020.17	Spacing Rules	1660
82-§ 1020.18	Location Exceptions	1660
82-§ 1020.19	Metering of Wells	1660
82-§ 1020.20	Unitizing and Communitizing of Land for Water Production Purposes	1660
82-§ 1020.21	Wells Within Municipalities	1661
82-§ 1020.22	Violations	1661
82-§ 1020.23	Taking and Using Marginal Water to Augment Water Supply	1661

DIVISION III TAXATION OF DECEDENTS, ESTATES AND TRUSTS

PART A FEDERAL TAXATION	1665
1 CURRENT FEDERAL TRANSFER TAX RATES.....	1665
A CURRENT FEDERAL UNIFIED ESTATE AND GIFT TAX RATES.....	1665
B CURRENT GENERATION SKIPPING TRANSFER TAX RATES.....	1665
2 MISCELLANEOUS TRANSFER TAX ITEMS AUTOMATICALLY ANNUALLY ADJUSTED FOR INFLATION	1667
A ESTATE AND GIFT TAX CUMULATIVE BASIC EXEMPTION AMOUNT AND GENERATION SKIPPING TRANSFER TAX EXEMPTION 1999-2024.....	1667
B GIFT TAX ANNUAL EXCLUSION PER DONEE 1977-2024	1667
3 ESTATE TAX [26 USCA SUBT. B, CHAP. 11].....	1669
A. ESTATES OF CITIZENS AND RESIDENTS	1669
PART I TAX IMPOSED	1669

IRC § 2001	Imposition and rate of tax.....	1669
IRC § 2002	Liability for payment	1672
PART II CREDITS AGAINST TAX.....		1672
IRC § 2010	Unified credit against estate tax	1672
IRC § 2011	Repealed.....	1674
IRC § 2012	Credit for gift tax	1674
IRC § 2013	Credit for tax on prior transfers.....	1675
IRC § 2014	Credit for foreign death taxes	1677
IRC § 2015	Credit for death taxes on remainders.....	1680
IRC § 2016	Recovery of taxes claimed as credit	1680
PART III GROSS ESTATE		1680
IRC § 2031	Definition of gross estate	1680
IRC § 2032	Alternate valuation	1684
IRC § 2032A	Valuation of certain farm, etc., real property	1685
IRC § 2033	Property in which the decedent had an interest.....	1698
IRC § 2034	Dower or curtesy interests	1698
IRC § 2035	Adjustments for certain gifts made within 3 years of decedent's death.....	1698
IRC § 2036	Transfers with retained life estate	1700
IRC § 2037	Transfers taking effect at death	1700
IRC § 2038	Revocable transfers	1701
IRC § 2039	Annuities.....	1702
IRC § 2040	Joint interests	1703
IRC § 2041	Powers of appointment	1704
IRC § 2042	Proceeds of life insurance	1706
IRC § 2043	Transfers for insufficient consideration.....	1707
IRC § 2044	Certain property for which marital deduction was previously allowed	1708
IRC § 2045	Prior interests	1708
IRC § 2046	Disclaimers	1708
PART IV TAXABLE ESTATE.....		1708
IRC § 2051	Definition of taxable estate	1708
IRC § 2053	Expenses, indebtedness, and taxes.....	1708
IRC § 2054	Losses	1711
IRC § 2055	Transfers for public, charitable, and religious uses	1711
IRC § 2056	Bequests, etc., to surviving spouse	1718
IRC § 2056A	Qualified domestic trust	1724
IRC § 2057	Repealed.....	1728
IRC § 2058	State death taxes.....	1728
B. ESTATES OF NONRESIDENTS NOT CITIZENS.....		1729
IRC § 2101	Tax imposed.....	1729
IRC § 2102	Credits against tax.....	1730
IRC § 2103	Definition of gross estate	1731
IRC § 2104	Property within the United States	1731
IRC § 2105	Property without the United States.....	1732
IRC § 2106	Taxable estate	1733
IRC § 2107	Expatriation to avoid tax.....	1735
IRC § 2108	Application of pre-1967 estate tax provisions	1737

TABLE OF CONTENTS

C. MISCELLANEOUS	1738
IRC § 2201 Combat zone-related deaths of members of the Armed Forces, deaths of astronauts, and deaths of victims of certain terrorist attacks	1738
IRC § 2203 Definition of executor	1740
IRC § 2204 Discharge of fiduciary from personal liability	1740
IRC § 2205 Reimbursement out of estate	1741
IRC § 2206 Liability of life insurance beneficiaries	1742
IRC § 2207 Liability of recipient of property over which decedent had power of appointment	1742
IRC § 2207A Right of recovery in the case of certain marital deduction property	1742
IRC § 2207B Right of recovery where decedent retained interest	1743
IRC § 2208 Certain residents of possessions considered citizens of the United States	1744
IRC § 2209 Certain residents of possessions considered nonresidents not citizens of the United States	1744
4 GIFT TAX [26 USCA SUBT. B, CHAP. 12]	1745
A. DETERMINATION OF TAX LIABILITY	1745
IRC § 2501 Imposition of tax	1745
IRC § 2502 Rate of tax	1747
IRC § 2503 Taxable gifts	1748
IRC § 2504 Taxable gifts for preceding calendar periods	1750
IRC § 2505 Unified credit against gift tax	1750
B. TRANSFERS	1751
IRC § 2511 Transfers in general	1751
IRC § 2512 Valuation of gifts	1752
IRC § 2513 Gift by husband or wife to third party	1752
IRC § 2514 Powers of appointment	1753
IRC § 2515 Treatment of generation-skipping transfer tax	1755
IRC § 2516 Certain property settlements	1755
IRC § 2518 Disclaimers	1755
IRC § 2519 Dispositions of certain life estates	1756
C. DEDUCTIONS	1757
IRC § 2522 Charitable and similar gifts	1757
IRC § 2523 Gift to spouse	1761
IRC § 2524 Extent of deductions	1764
5 TAX ON GENERATION-SKIPPING TRANSFERS [26 USCA SUBT. B, CHAP. 13]	1765
A. TAX IMPOSED	1765
IRC § 2601 Tax imposed	1765
IRC § 2602 Amount of tax	1766
IRC § 2603 Liability for tax	1766
IRC § 2604 Repealed	1766
B. GENERATION-SKIPPING TRANSFERS	1766

IRC § 2611	Generation-skipping transfer defined	1766
IRC § 2612	Taxable termination; taxable distribution; direct skip	1767
IRC § 2613	Skip person and non-skip person defined	1767
C. TAXABLE AMOUNT		1768
IRC § 2621	Taxable amount in case of taxable distribution.....	1768
IRC § 2622	Taxable amount in case of taxable termination.....	1768
IRC § 2623	Taxable amount in case of direct skip	1769
IRC § 2624	Valuation	1769
D. GST EXEMPTION.....		1769
IRC § 2631	GST exemption	1769
IRC § 2632	Special rules for allocation of GST exemption	1770
E. APPLICABLE RATE; INCLUSION RATIO.....		1773
IRC § 2641	Applicable rate	1773
IRC § 2642	Inclusion ratio	1774
F. OTHER DEFINITIONS AND SPECIAL RULES		1779
IRC § 2651	Generation assignment.....	1779
IRC § 2652	Other definitions	1781
IRC § 2653	Taxation of multiple skips.....	1783
IRC § 2654	Special rules	1783
IRC § 2661	Administration	1785
IRC § 2662	Return requirements.....	1785
IRC § 2663	Regulations	1785
6 SPECIAL VALUATION RULES [26 USCA SUBT. B, CHAP. 14]		1787
IRC § 2701	Special valuation rules in case of transfers of certain interests in corporations or partnerships.....	1787
IRC § 2702	Special valuation rules in case of transfers of interests in trusts.....	1794
IRC § 2703	Certain rights and restrictions disregarded.....	1796
IRC § 2704	Treatment of certain lapsing rights and restrictions.....	1796
7 GIFTS AND BEQUESTS FROM EXPATRIATES [26 USCA SUBT. B, CHAP. 15]		1798
IRC § 2801	Imposition of tax	1798
8 INTERNAL REVENUE CODE SECTIONS AFFECTED BY TAX CUTS AND JOBS ACT OF 2017		1800
PART B OKLAHOMA TAXATION		1824
1 PRELIMINARY NOTE		1824
2 OKLAHOMA INCOME TAX RATES		1825
SINGLE TAXPAYER OR MARRIED FILING SEPARATE RETURNS		1825

TABLE OF CONTENTS

MARRIED FILING JOINT, QUALIFIED WIDOW(ER) OR HEAD OF HOUSEHOLD	1825
TRUSTS AND ESTATES	1825
3 OKLAHOMA ESTATE TAX CODE	1826
68-§ 804 Additional Tax to Absorb Federal Credit	1826
68-§ 804.1 Estate tax lien	1826
4 OKLAHOMA INCOME TAX—SELECTED PROVISIONS	1827
68-§ 2353 Definitions	1827
68-§ 2355 Tax Imposed—Classes of Taxpayers	1830
68-§ 2355.1F Implementation of 5% top marginal rate	1835
68-§ 2355.1G Repealed	1836
68-§ 2358 Adjustments to arrive at Oklahoma taxable income and Oklahoma adjusted gross income	1836
68-§ 2358.5A Obligations issued by state and certain state agencies exempt from taxation	1864
68-§ 2361 Filings by Married Taxpayers—Joint Returns—Relief from Liability for Deficiency	1864
68-§ 2362 Oklahoma Taxable Income of a Part-year Resident Individual, Nonresident Individual, a Nonresident Trust and a Nonresident Estate	1865
68-§ 2363 Partners and Partnerships	1866
68-§ 2364 Estates, Trusts and Beneficiaries	1866
68-§ 2365 Subchapter S Corporations	1867
68-§ 2366 Allocation of Income and Deductions	1868
68-§ 2368 Persons Required to Make Returns—Income of Estates and Trusts—Income of Partnerships—Returns by Corporations—Time for Returns—Verification of Returns—Form of Returns	1868