

Table of Contents

Volume 1

CHAPTER 1. INTRODUCTORY

§ 1.10 Same-sex marriage *[New]*

PART 1. DECEDENTS' ESTATES, GENERALLY

CHAPTER 2. PRELIMINARY MATTERS

§ 2.1 Role of the attorney

CHAPTER 3. INTESTATE SUCCESSION

A. INTESTATE SUCCESSION, GENERALLY

§ 3.4 Actual and civil death

§ 3.6 Husband and wife generally

§ 3.8 Illegitimate children

§ 3.9 Degrees of kindred—Lineal and collateral—Ascending and
descending—Degrees in direct line—Collateral degrees, how
reckoned

§ 3.14 Person causing death not to inherit

B. DESCENT AND DISTRIBUTION

§ 3.21 Illustrations of rules of inheritance

§ 3.22 Property acquired by joint industry of husband and wife during
coverture

CHAPTER 4. WILLS GENERALLY

§ 4.2 Classifications of wills

§ 4.3 Distinction between wills and other instruments

§ 4.7 Different types of legacies

§ 4.8 Lapse of legacies

§ 4.9 Incorporation by reference

§ 4.11 Testamentary Additions Act

CHAPTER 5. TESTAMENTARY CAPACITY AND POWER

A. TESTAMENTARY CAPACITY

§ 5.1 In general

- § 5.10 Adjudged incompetent
- § 5.12 Insane delusions

B. TESTAMENTARY POWER

- § 5.25 Rights of omitted children

CHAPTER 6. UNDUE INFLUENCE, FRAUD AND MISTAKE

- § 6.1 Sources and relationship of rules
- § 6.2 Undue influence, meaning and effect
- § 6.3 Wills drawn by beneficiaries

CHAPTER 7. EXECUTION OF WILLS

- § 7.2 Holographic will
- § 7.3 Attested wills generally
- § 7.6 Declaration and knowledge of witnesses as to contents
- § 7.7 Request to witnesses
- § 7.9 Number of witnesses
- § 7.10 Law of which place governs
- § 7.11 Attestation clause
- § 7.12 Self-proved wills
- § 7.13 Wills of judicially incapacitated person

CHAPTER 8. REVOCATION OF WILLS

- § 8.1 Revocation of wills—Generally
- § 8.5 Effect of testator's marriage or divorce
- § 8.8 Lost or destroyed wills

CHAPTER 9. JOINT AND MUTUAL WILLS

- § 9.3 Contractual wills
- § 9.4 Revocability

CHAPTER 10. CONSTRUCTION OF WILLS

- § 10.1 In general
- § 10.2 Intention of testator
- § 10.3 Ascertainment of intention from will
- § 10.4 Rules of interpretation
- § 10.6 Description of property
- § 10.10 Actions to construe wills

CHAPTER 11. NATURE AND INCIDENTS OF HEIRS' ESTATE

- § 11.1 Vesting and divesting of title
- § 11.2 Debts of heirs to estate
- § 11.3 Liability on obligations of decedent
- § 11.5 Family settlements
- § 11.8 Transfers and conveyances by heirs

TABLE OF CONTENTS

CHAPTER 12. JOINT TENANCIES

§ 12.1 History of legislation

§ 12.4 Joint tenancy

§ 12.5 Joint tenancy—Bank accounts and other intangible assets

CHAPTER 13. JURISDICTION OF COURTS

§ 13.1 Nature and scope of probate jurisdiction

§ 13.4 Determination of title to property

§ 13.5 Ancillary and incidental jurisdiction

§ 13.6 Procedure in general

**PART 2. ADMINISTRATION OF
DECEDENTS' ESTATES**

**CHAPTER 14. PROBATE PROCEEDINGS
GENERALLY**

§ 14.1 Necessity

A. PETITION

§ 14.11 Petition

§ 14.16 Form—Order to produce will

§ 14.17 Form—Petition for letters of administration

C. NOTICE

§ 14.31 Notice

**D. ORDER APPOINTING ADMINISTRATOR OR
EXECUTOR**

§ 14.41 Order appointing administrator or executor

§ 14.48 Form—Order appointing administrator

E. ADMITTING WILL TO PROBATE

§ 14.51 Admitting will to probate

F. LETTERS

§ 14.63 Form—Administrator with will annexed

§ 14.67 Duties and responsibilities of personal representatives *[New]*

G. INVENTORY

§ 14.71 Inventory

H. SPECIAL ADMINISTRATOR

§ 14.81 Special administrator

CHAPTER 15. CONTEST

A. BEFORE PROBATE

§ 15.4 Who may contest

B. AFTER PROBATE

§ 15.11 Generally

CHAPTER 16. FAMILY ALLOWANCE AND HOMESTEAD RIGHTS

§ 16.3 Additional allowance

§ 16.6 Homestead

§ 16.11 Summary administration

CHAPTER 17. BUSINESS INTERESTS

C. CLOSE CORPORATION

§ 17.31 Generally

CHAPTER 18. CLAIMS

§ 18.1 Generally

§ 18.2 Notice to creditors

§ 18.6 Contracts

§ 18.8 Equitable claims

§ 18.9 Alimony and child support proceedings

§ 18.10 Mortgages on real estate and personal property

§ 18.14 Judgment creditors and actions pending

§ 18.16 Presentation of claims

§ 18.17 Allowance and rejection of claims

§ 18.20 Non-probate assets free of creditor claims

CHAPTER 19. PROCEEDINGS FOR THE SALE AND MORTGAGE OF PERSONAL PROPERTY

§ 19.15 Sale under power

CHAPTER 20. PROCEEDINGS FOR THE SALE, MORTGAGING AND LEASING OF REAL PROPERTY

§ 20.3 Petition

§ 20.19 Sale under power

§ 20.30 Borrowing money and mortgaging real property

CHAPTER 23. ESTATES OF NONRESIDENTS

§ 23.5 Full faith and credit to foreign probate

TABLE OF CONTENTS

CHAPTER 24. ELECTION AND DISCLAIMER

- § 24.1 Nature
- § 24.2 What constitutes
- § 24.11 Omitted children
- § 24.19 Effect of disclaimer

CHAPTER 25. ACCOUNTING AND DISTRIBUTION

A. ANNUAL ACCOUNTING

- § 25.1 Duty to account
- § 25.2 Form—Accounting *[Retitled]*
- § 25.3 Order and notice
- § 25.4 Form—Order
- § 25.5 Form—Notice of hearing accounting *[Retitled]*
- § 25.6 Order allowing account
- § 25.7 Form—Order allowing accounting *[Retitled]*

B. SUMMARY ADMINISTRATION *[New]*

- § 25.8 Summary administration
- § 25.9.50 Form—Application for summary administration pursuant to 58 O.S. Sec. 245 *[New]*
- § 25.10.50 Form—Order for summary administration pursuant to 58 O.S. Sec. 245 *[New]*
- § 25.11.50 Form—Combined notice to creditors, final accounting, determination of heirship, distribution and discharge pursuant to 58 O.S. Sec. 246 *[New]*
- § 25.12 Form—Affidavit of mailing notice to creditors
- § 25.13.50 Form—Order allowing final accounting, determination of heirship, distribution and discharge pursuant to 58 O.S. Sec. 245 *[New]*

C. FINAL ACCOUNTING

- § 25.26 Order and notice
- § 25.27 Form—Order for hearing final account, petition for allowance, determination of heirs, distribution and discharge
- § 25.29 Compensation and expenses
- § 25.30 Attorney fees
- § 25.33 Order allowing
- § 25.34 Decree of distribution
- § 25.35 Form—Order allowing final account, determining heirs and final decree of distribution
- § 25.40 Reopening of closed estate
- § 25.47 Antenuptial contracts

D. ACCOUNTING FOR INCOME IN COMPLEX ESTATES

CHAPTER 26. PARTITION

- § 26.1 Generally

§ 26.9 Form—Report of commissioners

CHAPTER 27. APPEALS

§ 27.1 Appeals to Supreme Court

§ 27.2 Who may appeal

§ 27.5 Proceeding on appeal

CHAPTER 28. SPECIAL CLASSES OF PROBATE CASES

§ 28.3 Survivorship in joint tenancies

§ 28.4 Procedure for joint tenancies

§ 28.16 Probate of will by surviving spouse

§ 28.17 Durable power of attorney

§ 28.20 Teacher's retirement system death benefits *[New]*

§ 28.21 Appointment of trustee to represent contingent remaindermen
[New]

§ 28.22 Transfer of tangible and intangible assets without probate
when valued at \$10,000 or less *[New]*

§ 28.23 Uniform statutory form—Power of attorney *[New]*

§ 28.24 Nontestamentary Transfer of Property Act *[New]*

§ 28.25 Uniform International Wills Act *[New]*

§ 28.26 Form—Uniform International Wills Act Certificate *[New]*

Volume 2

PART 3. ESTATES OF CHILDREN AND INCOMPETENTS

CHAPTER 29. GUARDIANSHIP OF MINORS

§ 29.1 General

§ 29.2 Petition—Venue

§ 29.3 Form—Petition for appointment of guardian

§ 29.14 Bond

§ 29.18 Inventory

§ 29.19 Powers and duties

§ 29.32 Termination—Discharge

§ 29.36 Oklahoma Standby Guardianship Act *[New]*

CHAPTER 30. GUARDIANSHIP OF PERSON AND ESTATE OF ADULTS

§ 30.1 General

§ 30.2 Special guardian

§ 30.6 Jurisdiction—Venue

§ 30.7 Preliminary considerations to filing of petition

§ 30.8 Petition—Contents

§ 30.9 Form—Petition for appointment of a guardian

§ 30.14 Hearing on petition

TABLE OF CONTENTS

- § 30.15 Order on hearing
- § 30.21 Bond
- § 30.22 Guardianship plan for person or estate
- § 30.23 Powers and duties of guardians
- § 30.25 Annual report and accounting

CHAPTER 30A. ADMINISTRATIVE OFFICE OF THE COURTS—GUARDIANSHIP FORMS *[New]*

A. GUARDIANSHIP HANDBOOK AND FORMS

- § 30A.1 Guardianship Handbook and Forms *[New]*

B. RELATIVE GUARDIANSHIP HANDBOOK AND FORMS

- § 30A.2 Relative Guardianship Handbook and Forms *[New]*

C. MISCELLANEOUS FORMS

- § 30A.3 Review Hearing Scheduling Order *[New]*
- § 30A.4 Guardianship Review *[New]*
- § 30A.5 Notice of Hearing—Affidavit of Service *[New]*
- § 30A.6 Plan for Care and Treatment of the Ward *[New]*
- § 30A.7 Plan for the Management of the Property of Ward *[New]*
- § 30A.8 Report on the Guardianship of the Person *[New]*
- § 30A.9 Report on the Guardianship of Property *[New]*
- § 30A.10 Report on the Guardianship of Property of Minor Ward
[New]

CHAPTER 31. ADOPTION

- § 31.1 Origin and purpose of adoption
- § 31.2 Venue in adoption cases
- § 31.3 Who may adopt
- § 31.4 Consent of parents
- § 31.5 Medical and social histories
- § 31.6 Procedure
- § 31.7 Files and records of adoption
- § 31.8 Form—Petition for adoption
- § 31.9 Form—Permanent relinquishment for adoption
- § 31.10 Form—Consent for adoption
- § 31.11 Form—Consent of adoption by minor twelve years of age or
over
- § 31.12 Form—Order for home study
- § 31.13 Form—Interlocutory decree
- § 31.14 Form—Application to waive interlocutory decree
- § 31.15 Form—Order waiving interlocutory decree
- § 31.16 Form—Application for order determining child eligible for
adoption without consent of natural parent

- § 31.17 Order and notice of hearing application for order determining child eligible for adoption without consent of natural parent
- § 31.18 Form—Affidavit to obtain service by publication
- § 31.19 Form—Order determining child eligible for adoption without consent of natural parent
- § 31.20 Form—Application for final decree
- § 31.21 Form—Order for hearing petition for final decree
- § 31.22 Form—Notice of hearing for final decree
- § 31.23 Form—Final decree of adoption

PART 4. TRUSTS

CHAPTER 32. TRUST CODE

- § 32.2 Equitable constructive and resulting trusts
- § 32.3 Reasons for various sections of the Trust Act
- § 32.4 Who may create a trust and how a trust is created
- § 32.5 Family Wealth Preservation Trust Act *[New]*
- § 32.6 Oklahoma Discretionary and Special Needs Trust Act *[New]*

CHAPTER 33. POWERS OF THE TRUSTEE

- § 33.1 By trust instrument
- § 33.4 By statute
- § 33.5 Court authority
- § 33.6 General administration
- § 33.8 Power of co-trustee
- § 33.9 Reliance by third party
- § 33.10 Compensation
- § 33.11 Liability of trustee *[New]*

CHAPTER 34. TRUST INVESTMENTS

- § 34.2 Prudent Man Rule
- § 34.3 Control by settlor

CHAPTER 35. ALLOCATION OF PRINCIPAL AND INCOME

- § 35.1 Background and general considerations
- § 35.2 Definitions, fiduciary duties and general principles
- § 35.3 Rules of allocation
- § 35.4 Distribution of income in an estate or terminating income interest
- § 35.5 Apportionment at beginning and end of income interest
- § 35.6 Allocation of receipts during administration of trust
- § 35.7 Disbursements during trust administration

CHAPTER 36. ACCOUNTING OF TRUSTEES (INCLUDING PROCEDURE)

- § 36.2 Duty to render accounting

TABLE OF CONTENTS

CHAPTER 37. REVOCATION

- § 37.1 Revocable trust
- § 37.2 Irrevocable trust
- § 37.3 Oklahoma Decanting Act *[New]*

**CHAPTER 38. RULE AGAINST
PERPETUITIES**

- § 38.1 Purpose and origin of rule
- § 38.6 Rule in Oklahoma

CHAPTER 39. TRANSFER TAXES

- § 39.1 Responsibility and liability of fiduciary
- § 39.2 Federal estate tax
- § 39.3 Oklahoma estate tax
- § 39.7 Apportionment of estate taxes
- § 39.9 Judicial proceeding for apportionment of estate taxes

CHAPTER 41. ESTATE PLANNING

- § 41.3 Revocable trust
- § 41.8 Joint tenancies
- § 41.9.50 Oklahoma Power of Attorney Act *[New]*

**PART 5. WILLS, TRUSTS, AND OTHER
RELATED FORMS**

**CHAPTER 42. SUGGESTED WILL, TRUST,
AND OTHER RELATED FORMS**

- § 42.22 Advance directive for health care
- § 42.22.50 Advance Directive for Health Care—Health care surrogate
compliance statement *[New]*
- § 42.24 Uniform Fiduciary Access to Digital Assets Act *[New]*
- § 42.25 Oklahoma Uniform Electronic Estate Planning Documents
Act *[New]*
- § 42.26 Oklahoma Uniform Electronic Estate Planning Documents
Act—Affidavit *[New]*
- § 42.27 Uniform Electronic Estate Planning Documents Act *[New]*

Table of Laws and Rules

Table of Cases

Index