



OFFICE OF

No. HB 1149

**THE GOVERNOR**  
STATE OF OKLAHOMA

OKLAHOMA CITY, OKLA., April 21, 2015

TIME SIGNED: 2:30pm

TO THE HONORABLE SPEAKER OF THE HOUSE  
AND MEMBERS OF THE HOUSE OF REPRESENTATIVES  
FIRST SESSION OF THE  
FIFTY FIFTH OKLAHOMA LEGISLATURE

ENROLLED HOUSE BILL NO. 1149:

This is to advise you that on this date, pursuant to the authority vested in me by Section 11 of Article VI of the Oklahoma Constitution to approve or object to legislation presented to me, I have VETOED House Bill 1149.

House Bill 1149 (Bill) provides that "in terrorem" or no-contest clauses shall be strictly applied in cases where a party contesting a will does not ultimately prevail, even should that party be found to be acting in good faith or with probable cause. A no-contest clause is a provision in a will that penalizes a beneficiary for contesting that will. An example of such a clause would be language in a will that bequests \$2,000 to a particular beneficiary, but that also states that if that beneficiary challenges the will, then she or he will forfeit that bequest entirely.

Although no-contest clauses are an effective means of reducing unnecessary litigation and help to assure that property is distributed according to a decedent's wishes, they should not be iron-clad, particularly where a beneficiary has probable cause to believe that the decedent lacked capacity or was unduly influenced when creating the will. This Bill would create a strong disincentive for beneficiaries to contest wills, even when they had good reason to believe their loved ones had been inappropriately coerced to distribute the property as established in the will. Such a disincentive is bad policy, and reflects a step away from the Uniform Probate Code which has been adopted by numerous states, including neighbors like Colorado and New Mexico. As such, I cannot approve this Bill.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

Mary Fallin

By Allen Hall Hauser

Date/Time 4/21/15 5:09 pm

**RECEIVED**

APR 21 2015

OKLAHOMA SECRETARY  
OF STATE