

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

SENATE BILL NO. 1019

BY: MILES-LaGRANGE

AS INTRODUCED

AN ACT RELATING TO CONVEYANCES; AMENDING 16 O.S.

1991, SECTIONS 93 AND 95, AND 6 O.S. 1991, SECTION 414, WHICH RELATE TO EXECUTION OF CONVEYANCES BY CORPORATIONS; CLARIFYING LANGUAGE; DECLARING CERTAIN RECORDED INSTRUMENTS TO BE PROOF OF AUTHORITY; MODIFYING PERSONS WHO MAY ACKNOWLEDGE CERTAIN INSTRUMENTS; PRESCRIBING FORM OF CERTAIN ACKNOWLEDGEMENTS; ALLOWING SUBSCRIPTION BY CERTAIN PERSONS; REPEALING 16 O.S. 1991, SECTION 94, WHICH RELATES TO ATTESTATION OF CERTAIN INSTRUMENTS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 16 O.S. 1991, Section 93, is amended to read as follows:

Section 93. ~~Every~~ Any corporation in executing a deed, or other instrument affecting real estate made by a corporation, with or without the seal of the corporation, must have the name of such corporation subscribed thereto either by an officer or attorney-in-fact ~~or by the president or any vice-president~~ of such

~~corporation, and when made by a public corporation the name of such corporation must be subscribed by the chief officer thereof. Such deed or other instrument, after recording, shall constitute prima facie evidence that such deed or other instrument is the duly authorized act of the corporation.~~

SECTION 2. AMENDATORY 16 O.S. 1991, Section 95, is amended to read as follows:

Section 95. Every deed or other instrument affecting real estate, executed by a corporation, must be acknowledged by ~~the~~ an officer or ~~person~~ attorney-in-fact subscribing the name of the corporation thereto, which acknowledgment must be substantially in the ~~following~~ form, ~~to-wit:~~

~~State of Oklahoma, )~~

~~) ss.~~

~~\_\_\_\_\_ County. )~~

~~Before me, a \_\_\_\_\_ in and for said county and state, on this \_\_\_\_\_ day of \_\_\_\_\_ 191\_, personally appeared \_\_\_\_\_, to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its (attorney-in-fact, president, vice-president, or mayor, as the case may be) and acknowledged to me that he executed the same as his free and voluntary act and deed, and as the free and voluntary act and deed of such corporation, for the uses and purposes therein set forth prescribed by Section 119 of Title 49 of the Oklahoma Statutes.~~

SECTION 3. AMENDATORY 6 O.S. 1991, Section 414, is amended to read as follows:

Section 414. A. REAL ESTATE AND EQUIPMENT NECESSARY TO BANK'S OPERATION. A bank or trust company may purchase and hold real estate, equipment, furniture and fixtures necessary for the convenient transaction of its business, the cost of which shall not exceed its capital, surplus and undivided profits. This limitation may be exceeded upon written approval of the Commissioner. A bank

or trust company may lease out to such tenants as it deems appropriate any portion of its banking house or premises not utilized in the conduct of its banking operations.

B. REAL ESTATE ACQUIRED IN SATISFACTION OF DEBT. A bank or trust company may purchase and hold real estate conveyed to it in satisfaction of debts previously contracted in good faith in the course of business. All such real estate shall be accounted for individually at the lower of the recorded investment in the loan satisfied or its fair market value on the date of the transfer. The recorded investment in the loan satisfied is the unpaid balance of the loan, increased by accrued and uncollected interest, unamortized premium, and loan acquisition costs, if any, and decreased by previous direct write down, finance charges and unamortized discount, if any.

C. REAL ESTATE ACQUIRED UNDER JUDGMENT, DECREE OR MORTGAGE FORECLOSURE. A bank or trust company may acquire and hold real estate such as it shall purchase at sale under judgment, decree or mortgage foreclosure, under securities held by it; but neither a bank nor a trust company shall bid at any such sale a larger amount than enough to satisfy its debts and costs.

D. SALE OF REAL ESTATE ACQUIRED UNDER SUBSECTIONS B AND C. No real estate acquired in the cases contemplated in subsections B and C of this section shall be held for a longer time than five (5) years without the written approval of the Commissioner; provided, further, that if the term of the Commissioner expires within any extension period, it shall be necessary for the bank or trust company to secure the written approval of the succeeding Commissioner to continue to hold said real estate for a further period. Once the bank or trust company is no longer permitted to hold the real estate, the Commissioner shall require of the bank or trust company that the said real estate must be sold at a private or public sale within thirty (30) days of being informed of the

Commissioner's requirement. For purposes of this section, ownership interests in oil, gas and other subsurface mineral rights other than mere leasehold interests shall be considered real estate; provided, however, notwithstanding the holding limitation of this section or any other provision contained herein, any bank or trust company which on October 15, 1982, held, directly or indirectly, any oil, gas and other subsurface mineral rights, other than mere leasehold interests, that since December 31, 1979, had not been valued on the books of such bank or trust company for more than a nominal amount, may continue to hold such subsurface rights or interests without limitation.

E. INVESTMENTS AND LOANS TO CORPORATION HOLDING BANK AND TRUST COMPANY PREMISES. Any bank or trust company organized under the laws of this state may invest its funds in the stocks, bonds, debentures or other such obligations of any corporation holding the premises of such bank or trust company, and may make loans to or upon the security of any such corporation, but the aggregate of all such investments and loans together with the investments provided for in subsection A of this section shall not exceed the capital, surplus and undivided profits. This limitation may be exceeded upon the written approval of the Commissioner.

F. CONVEYANCE OF REAL ESTATE. Every conveyance of real estate and every lease thereof for a term of one (1) year or more, made by a bank or trust company, must have the name of such bank or trust company subscribed thereto, either by an officer or attorney-in-fact, ~~or by the president or a vice-president~~ of such corporation, ~~and such conveyance of real estate, except when executed by an attorney-in-fact, must be attested by the cashier, assistant cashier, secretary or assistant secretary of such corporation, with the seal of such corporation attached.~~

G. Nothing in this section shall preclude or limit in any manner, investments by a bank permitted under any other section of this Code.

SECTION 4. REPEALER 16 O.S. 1991, Section 94, is hereby repealed.

SECTION 5. This act shall become effective November 1, 1992.

43-2-1850 KS