

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 374

BY: HOOPER

AS INTRODUCED

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

1981, SECTION 4, AS AMENDED BY SECTION 1, CHAPTER  
309, O.S.L. 1983 (16 O.S. SUPP. 1990, SECTION 4),  
WHICH RELATES TO DEEDS, MORTGAGES AND OTHER  
CONVEYANCES AFFECTING REAL ESTATE; AUTHORIZING  
SIGNATURES AND SUBSCRIPTIONS BY POWER OF ATTORNEY;  
AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 16 O.S. 1981, Section 4, as  
amended by Section 1, Chapter 309, O.S.L. 1983 (16 O.S. Supp. 1990,  
Section 4), is amended to read as follows:

Section 4. A. No deed, mortgage, or conveyance of real estate  
or any interest in real estate, other than a lease for a period not  
to exceed one (1) year, shall be valid unless in writing and  
subscribed by the grantors. No deed, mortgage, or contract  
affecting the homestead exempt by law, except a lease for a period  
not exceeding one (1) year, shall be valid unless in writing and  
subscribed by both husband and wife, if both are living and not  
divorced, or legally separated, except as ~~otherwise~~ provided for by  
law.

B. Nonjoinder of the spouse shall not invalidate the purchase of a home with mortgage loan insurance furnished by the Veteran's Administration or written contracts and real estate mortgages executed by the spouse of a person who is certified by the United States Department of Defense to be a prisoner of war or missing in action.

C. A deed affecting the homestead shall be valid without the signature of the spouse of the grantor, and the spouse shall be deemed to have consented thereto, when said deed has been recorded in the office of the county clerk of the county in which the real estate is located for a period of ten (10) years prior to a date six (6) months after May 25, 1953, and thereafter when the same shall have been so recorded for a period of ten (10) years, and no action shall have been instituted within said time in any court of record having jurisdiction seeking to cancel, avoid, or invalidate such deed by reason of the alleged homestead character of the real estate at the time of such conveyance.

D. Any signature or subscription required by this section may be provided by a properly executed and recorded power of attorney or as otherwise provided by law.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

43-1-610

RWT