

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

HOUSE BILL NO. 1616

By: Steidley

AS INTRODUCED

An Act relating to conveyances; amending 16 O.S.

1991, Section 4, which relates to execution requirements for certain instruments; modifying execution requirements; providing for execution of instruments by certain attorney in fact; prescribing procedures related to execution by attorney in fact; and providing an effective date.

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

SECTION 1. AMENDATORY 16 O.S. 1991, Section 4, is amended to read as follows:

Section 4. 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.

Provided, however, the attorney in fact, appointed by valid recorded power of attorney, for either or both the husband and wife, on behalf of the husband and/or wife executing such power of attorney,

together with the other spouse and/or together with the attorney in fact for the other spouse, appointed by valid recorded power of attorney, may execute a valid deed, mortgage, or contract affecting the homestead exempt by law. 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. 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.

SECTION 2. This act shall become effective November 1, 1995.

45-1-5072

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