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ENGROSSED HOUSE
BILL NO. 1946

By: Askins and Hiett of the House

and

Smith of the Senate

An Act relating to recordable instruments; amending 16 O.S. 1991, Section 28, as amended by Section 2, Chapter 195, O.S.L. 1996 (16 O.S. Supp. 1996, Section 28), which relates to instruments written or printed in English; amending 19 O.S. 1991, Section 298, as amended by Section 1, Chapter 195, O.S.L. 1996 (19 O.S. Supp. 1996, Section 298), which relates to recordable instruments containing necessary information for indexing; deleting requirement that instrument be original or certified original; deleting certain property description requirements; deleting requirements regarding form, size, paper color, print type, and margins for certain documents; providing that documents accepted for filing or filed before certain date deemed to comply with certain requirements and impart certain notice; permitting the filing of certain affidavit within certain time period; and declaring an emergency.

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

SECTION 1. AMENDATORY 16 O.S. 1991, Section 28, as amended by Section 2, Chapter 195, O.S.L. 1996 (16 O.S. Supp. 1996, Section 28), is amended to read as follows:

Section 28. No instrument affecting the title to real estate shall be filed for record or recorded unless plainly printed or written or partly printed and partly written ~~and the instrument is an original or certified original instrument, clearly legible~~ in the English language~~. Such documents shall be on any form utilized by a federal or state agency or a county or municipal government, or shall be on computer-printed, laser-printed, or typewritten noncolored paper which shall measure eight and one-half (8 1/2) inches in width by eleven (11) inches in length or eight and one-half (8 1/2) inches in width and fourteen (14) inches in length. If computer-printed or laser-printed, all language shall be printed in a clear typeface, in not less than twelve-point type. If typewritten, all documents shall be produced with not less than pica type, ten (10) spaces per inch. Documents may also be legibly hand-written. The top margin of all documents shall be at least one (1) inch and all other margins shall be at least one-half (1/2) inch~~.

SECTION 2. AMENDATORY 19 O.S. 1991, Section 298, as amended by Section 1, Chapter 195, O.S.L. 1996 (19 O.S. Supp. 1996, Section 298), is amended to read as follows:

Section 298. ~~A.~~ Every county clerk in each county of this state shall require that the mandates of the Legislature be complied with, as expressed in Sections 287 and 291 of this title; and for that purpose, every instrument offered which may be accepted by the county clerk for recording, affecting specific real property whether of conveyance, encumbrance, assignment, or release of encumbrance, lease, assignment of lease or release of lease, shall be ~~an original or certified original instrument and clearly~~ legible ~~in accordance~~

~~with the provisions of subsection B of this section~~, and shall by its own terms describe the property by ~~its specific~~ legal description~~, which description shall be either by lot, block, addition, and town or by metes and bounds or to the nearest quarter section or by governmental survey description including the numerical section, township, and range and the county,~~ and provide such information as is necessary for indexing numerically as required in Sections 287 and 291 of this title, and on each such instrument shall be listed the mailing address of the grantee, mortgagee, assignee or other designated party to which the instrument is to be delivered. Any instrument offered to a county clerk for recording containing more than twenty-five legal descriptions per page, counted as each description which could require a separate line entry in the numerical index, shall be accompanied by an additional filing fee of One Dollar ($1.00) per legal description in excess of twenty-five legal descriptions per page to be paid to the county clerk. Unless the person offering ~~the~~ such instrument is willing to reform ~~the instrument~~ such to conform to statutory requirements, for which purpose it may be withdrawn and refiled, the county clerk shall have no authority to record the same in the records of deeds, leases or mortgages nor to index the same upon the index records referred to in Sections 287 or 291 of this title, or to file or record the same in the office of the county clerk.

~~B. All documents filed of record in the office of the county clerk pursuant to subsection A of this section or pursuant to any other law shall be the original or certified original document, clearly legible in the English language. Such documents shall be on any form utilized by a federal or state agency or a county or municipal government, or shall be on computer-printed, laser-printed, or typewritten noncolored paper which shall measure eight and one-half (8 1/2) inches in width by eleven (11) inches in length~~

~~or eight and one-half (8 1/2) inches in width by fourteen (14) inches in length. If computer-printed or laser-printed, all language shall be printed in a clear typeface, in not less than twelve-point type. If typewritten, all documents shall be produced with not less than pica type, ten (10) spaces per inch. Documents may also be legibly hand-written. The top margin of all documents shall be at least one (1) inch and all other margins shall be at least one-half (1/2) inch.~~

All documents accepted for filing, including all documents filed before the effective date of this act, shall be deemed to comply with the requirements of this section and, except as otherwise provided by law, impart constructive notice of the contents of such document on third parties unless a person claiming adversely to such document files an affidavit setting forth the basis of such claim in the office of the county clerk of the county where the property is located within six (6) months from the effective date of this act.

SECTION 3. 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.

Passed the House of Representatives the 6th day of February, 1997.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1997.

President of the Senate