

SHORT TITLE: County clerks; amending procedure for filing of certain instruments; effective date.

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

SENATE BILL NO. 655

By: Smith

AS INTRODUCED

An Act relating to recordable instruments; 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 filing of recordable instruments; modifying requirements of recordable instruments to be filed in the office of the county clerk; and providing an effective date.

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

SECTION 1. 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~~ After the effective date of this act, ~~the~~ 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~~ only accept instruments affecting real property 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~~ which are the original or a certified copy of the original instrument and which are clearly legible in accordance with the provisions of subsection B of this section, and ~~shall~~ which, 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 provides such information as is necessary for indexing numerically as required in Sections 287 and 291, ~~and on.~~ 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 after recording. 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 instrument is willing to reform the instrument 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 copy of the 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~~ All documents presented to the county clerk for recording or filing shall satisfy the following requirements:

1. The instrument shall be on computer-printed, laser-printed, pre-printed, or typewritten ~~noncolored~~ paper of not less than

twenty-pound white paper, and no larger than 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.; and

2. The contents of the instrument shall be sufficiently legible to permit reproduction by photographic, microphotographic, or optical imaging processes.

C. All documents of record filed in the office of the county clerk pursuant to subsection A of this section which affect the title to real estate shall satisfy the requirements of subsection B as well as the following requirements:

1. The first page shall have a top margin of at least three (3) inches of vertical space from left to right and bottom and right-side margins of at least one inch;

2. Each successive page shall have top, bottom, left, and right-side margins of at least one inch;

3. Signatures and notary seals shall not infringe on any margin of the instrument;

4. The text of the instrument shall have a print size no smaller than ten-point type with equal horizontal spacing between characters;

5. The instrument shall be printed and signed in black ink;

6. The instrument shall consist of one or more individual sheets, not a continuous form. Federal court bound and sealed documents will be filed according to federal procedure; and

7. The identity of the document and the names of the parties to the document shall be identified.

D. The provisions of this section shall not apply to wills, death certificates, birth certificates, or instruments executed outside this state.

E. All instruments executed in compliance with the provisions of the Oklahoma Statutes before the effective date of this act shall be accepted for filing.

~~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 handwritten. 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. This act shall become effective November 1, 1997.

46-1-0624

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