

SHORT TITLE: Recordable instruments; eliminating certain requirements for filing of recordable instruments; noncodification; emergency.

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

SENATE BILL NO. 673

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; eliminating certain requirements for filing of 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 for conveyance of real property; eliminating certain requirements for filing of instruments affecting title to real estate; validating the acceptance of certain instruments for recording; providing for noncodification; and declaring an emergency.

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 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~~ the 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, 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 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 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.~~

SECTION 2. 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 3. All documents accepted for filing, including all documents filed after November 1, 1996, and before the effective date of this act, shall be deemed to comply with the requirements of

this act and, unless otherwise provided by law, impart constructive notice of its contents on third parties unless a person claiming adversely to such document files an affidavit setting forth the basis of the claim in the office of the county clerk of the county or counties wherein the property is located within six (6) months from the effective date of this act.

SECTION 4. The provisions of Section 3 of this Act shall not be codified in the Oklahoma Statutes.

SECTION 5. 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.

46-1-0982

KSM