

3 Senate Bill No. 501

4 SENATE BILL NO. 501 - By: HENRY of the Senate and TOURE of the
5 House.

SB 501

6 An Act relating to conveyances; amending 16 O.S. 1991,
7 Sections 33, as amended by Section 1, Chapter 189, O.S.L.
8 1998, 34, and 95, as amended by Section 5, Chapter 238,
9 O.S.L. 1994 (16 O.S. Supp. 1998, Sections 33 and 95), which
10 relate to forms for acknowledgments, execution by mark, and
11 acknowledgment by corporation; clarifying authorization for
12 use of certain form for certain acknowledgment; updating
13 language; amending 60 O.S. 1991, Section 178.11, which
14 relates to acknowledgment of conveyance, assignment, or
15 other transfer; conforming language; and declaring an
16 emergency.

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

18 SECTION 1. AMENDATORY 16 O.S. 1991, Section 33, as
19 amended by Section 1, Chapter 189, O.S.L. 1998 (16 O.S. Supp. 1998,
20 Section 33), is amended to read as follows:

21 Section 33. An acknowledgment by individuals of any instrument
22 affecting real estate shall be in substantially a form as provided
23 for in the Uniform Law on Notarial Acts or in substantially the
24 following form:

25 State of Oklahoma,)

26) ss.

27 _____ County.)

28 Before me, ___ in and for this state, on this ___ day of ____,
29 _____ personally appeared _____ to me known to be the

1 identical person(s) who executed the within and foregoing
2 instrument, and acknowledged to me that ____ executed the same as
3 ____ free and voluntary act and deed for the uses and purposes
4 therein set forth.

5 SECTION 2. AMENDATORY 16 O.S. 1991, Section 34, is
6 amended to read as follows:

7 Section 34. When real estate is conveyed or encumbered by an
8 instrument in writing by a person who cannot write his or her name,
9 ~~he~~ the person shall execute the same by ~~his~~ a mark, and ~~his~~ the
10 person's name shall be written near ~~such~~ the mark by one of two
11 persons who saw ~~such~~ the mark made, who shall write their names on
12 ~~such~~ the instrument as witnesses. In case ~~such~~ the instrument is
13 acknowledged, then the officer taking the acknowledgment shall, in
14 addition to the other necessary recitals in the acknowledgment,
15 state that the grantor executed the instrument, by inserting in the
16 ~~ordinary~~ form of acknowledgment provided in Section 33 of this title
17 by individuals after the words "foregoing instrument" the words "by
18 ~~his~~ the person's mark, in my presence and in the presence of ____
19 and ____ as witnesses".

20 SECTION 3. AMENDATORY 16 O.S. 1991, Section 95, as
21 amended by Section 5, Chapter 238, O.S.L. 1994 (16 O.S. Supp. 1998,
22 Section 95), is amended to read as follows:

1 Section 95. Every deed or other instrument affecting real
2 estate, executed by a corporation, must be acknowledged by an
3 officer or attorney-in-fact subscribing the name of the corporation
4 thereto, which acknowledgment may be in ~~the~~ substantially a form
5 ~~prescribed by Section 119 of Title 49 of the Oklahoma Statutes or as~~
6 provided for in the Uniform Law on Notarial Acts or in substantially
7 ~~in~~ the following form, ~~to-wit:~~

8 State of Oklahoma,)
9) ss.
10 _____ County.)

11 Before me, a ____ in and for ~~said county and~~ this state, on this
12 ____ day of ____, ~~191~~____, personally appeared _____, to me known to
13 be the identical person who subscribed the name of the maker thereof
14 to the foregoing instrument as its (attorney-in-fact, president,
15 vice-president, ~~chairman~~ chair, or ~~vice-chairman~~ vice-chair of the
16 board of directors or mayor, as the case may be) and acknowledged to
17 me that he _____ executed the same as ~~his~~ _____ free and
18 voluntary act and deed, and as the free and voluntary act and deed
19 of ~~such~~ the corporation, for the uses and purposes therein set
20 forth.

21 SECTION 4. AMENDATORY 60 O.S. 1991, Section 178.11, is
22 amended to read as follows:

1 Section 178.11 Every conveyance, assignment, or other transfer
2 of any estate in real property, executed by ~~any such~~ a trust, must
3 be acknowledged by the president or ~~chairman~~ chair of ~~said~~ the trust
4 subscribing the name of the trust thereto, which acknowledgment ~~must~~
5 shall be in substantially a form as provided for in the Uniform Law
6 on Notarial Acts or in substantially ~~in~~ the following form, ~~to wit:~~

7 STATE OF OKLAHOMA)
8) SS:
9 _____ COUNTY)

10 The foregoing instrument was acknowledged before me this (Date)
11 by (Name), President or ~~Chairman~~ Chair of (Name of Trust), a public
12 trust, on behalf of the trust.

13 (Signature of person taking acknowledgment)

14 (Title or Rank)

15 (Serial number, if any)

16 SECTION 5. It being immediately necessary for the preservation
17 of the public peace, health and safety, an emergency is hereby
18 declared to exist, by reason whereof this act shall take effect and
19 be in full force from and after its passage and approval.

20 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-2-99 - DO
21 PASS, As Coauthored.