STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

SENATE BILL NO. 501 By: Henry

AS INTRODUCED

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

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

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

Section 33. An acknowledgment by individuals of any instrument affecting real estate shall be <u>in substantially a form as provided for in the Uniform Law on Notarial Acts or</u> in substantially the following form:

State of Oklahoma,)

) ss.

_____ County.)

Before me, ____ in and for this state, on this ____ day of ____, _____ personally appeared _____ to me known to be the identical person(s) who executed the within and foregoing instrument, and acknowledged to me that ____ executed the same as ____ free and voluntary act and deed for the uses and purposes therein set forth.

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

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

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

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

State of Oklahoma,)

) ss.

_____ County.)

Before me, a ____ in and for ~~said county and~~ this state, on this ____ day of ____, ~~191~~____~~,~~ personally appeared ____~~,~~ to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its (attorney-in-fact, president,

vice-president, ~~chairman~~ chair, or ~~vice-chairman~~ vice-chair of the board of directors or mayor, as the case may be) and acknowledged to me that ~~he~~ _____ executed the same as ~~his~~ _____ free and voluntary act and deed, and as the free and voluntary act and deed of ~~such~~ the corporation, for the uses and purposes therein set forth.

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

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

STATE OF OKLAHOMA)

) SS:

_____COUNTY)

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

(Signature of person taking acknowledgment)

(Title or Rank)

(Serial number, if any)

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.

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