ENGROSSED HOUSE
BILL NO. 1384

By: Matlock of the House

and

Henry of the Senate

An Act relating to mortgages; amending 46 O.S. 1991, Section 301, which relates to limitations on foreclosures; modifying limitations; and providing an effective date.

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

SECTION 1. AMENDATORY 46 O.S. 1991, Section 301, is amended to read as follows:

Section 301. A. ~~No~~ Before November 1, 2001, no suit, action or proceeding to foreclose or otherwise enforce the remedies in any mortgage, contract for deed or deed of trust shall be had or maintained after the expiration of ten (10) years from the date the last maturing obligation secured by such mortgage, contract for deed or deed of trust becomes due as set out therein, and such mortgage, contract for deed or deed of trust shall cease to be a lien, unless the holder of such mortgage, contract for deed or deed of trust either:

1. Before October 1, 1981, has filed or caused to be filed of record a written Notice of Extension as provided in paragraph 1 of subsection ~~C~~ D of this section; or

2. After October 1, 1981, and within the above described ten-year period, files or causes to be filed of record a written Notice of Extension as provided in paragraph 1 of subsection ~~C~~ D of this section.

B. Beginning November 1, 2001, no suit, action or proceeding to foreclose or otherwise enforce the remedies in any mortgage,

contract for deed or deed of trust shall be had or maintained after the expiration of seven (7) years from the date the last maturing obligation secured by such mortgage, contract for deed or deed of trust becomes due as set out therein, and such mortgage, contract for deed or deed of trust shall cease to be a lien, unless the holder of such mortgage, contract for deed or deed of trust, within the seven-year period, files or causes to be filed of record a written Notice of Extension as provided in paragraph 1 of subsection D of this section.

C. No suit, action or proceeding to foreclose or otherwise enforce the remedies in any mortgage, contract for deed or deed of trust filed of record in the office of the county clerk, in which the due date of the last maturing obligation secured by such mortgage, contract for deed or deed of trust cannot be ascertained from the written terms thereof, shall be had or maintained after the expiration of thirty (30) years from the date of recording of the mortgage, contract for deed or deed of trust, and said mortgage, contract for deed or deed of trust shall cease to be a lien, unless the holder of such mortgage, contract for deed or deed of trust either:

1. Before October 1, 1981, has filed or caused to be filed of record a written Notice of Maturity Date as provided in paragraph 2 of subsection ~~C~~ D of this section; or

2. After October 1, 1981, and within the above described thirty-year period, files or causes to be filed of record a written Notice of Maturity Date as provided in paragraph 2 of subsection ~~C~~ D of this section.

~~C.~~ D. 1. The Notice of Extension required under subsection A or B of this section, to be effective for the purpose of this ~~act~~ section, shall show the date of recording, the book and page and the legal description of the property covered by the mortgage, contract for deed or deed of trust and the time for which the payment of the

obligation secured thereby is extended, and shall be duly verified by oath and acknowledged by the holder of the mortgage, contract for deed or deed of trust.

2. The Notice of Maturity Date required under subsection ~~B~~ C of this section, to be effective for the purpose of this ~~act~~ section, shall show the date of recording, the book and page and the legal description of the property covered by the mortgage, contract for deed or deed of trust and the maturity date to which the last maturing obligation secured thereby is extended, and shall be duly verified by oath and acknowledged by the holder of the mortgage, contract for deed or deed of trust.

~~D.~~ E. Any mortgage, contract for deed or deed of trust barred under this ~~act~~ section shall not be a defect in determining marketable record title.

~~E.~~ F. The notice required to be filed of record by this ~~act~~ section must be recorded in the office of the county clerk of the county or counties where the mortgage is recorded.

~~F.~~ G. Nothing contained ~~herein~~ in this section shall be construed to revive the lien of any mortgage, contract for deed or deed of trust which has expired by limitation before the effective date of this ~~act~~ section.

SECTION 2. This act shall become effective November 1, 2001.

Passed the House of Representatives the 6th day of March, 2001.

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Presiding Officer of the House of Representatives

Passed the Senate the ____ day of _____, 2001.

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Presiding Officer of the Senate