

THE HOUSE OF REPRESENTATIVES
Tuesday, February 19, 2008

House Bill No. 2580

HOUSE BILL NO. 2580 - By: HYMAN of the House and BALLENGER of the Senate.

An Act relating to counties; amending 19 O.S. 2001, Section 298, which relates to information necessary for indexing by county clerks; requiring certain information for legal description; and providing an effective date.

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

1 SECTION 1. AMENDATORY 19 O.S. 2001, Section 298, is amended to read as
2 follows:
3 Section 298. A. Every county clerk in this state shall require that the mandates of
4 the Legislature be complied with, as expressed in Sections 287 and 291 of this title, and
5 for that purpose, every instrument offered which may be accepted by the county clerk for
6 recording, affecting specific real property whether of conveyance, encumbrance,
7 assignment, or release of encumbrance, lease, assignment of lease or release of lease,
8 shall be an original or certified copy of an original instrument and clearly legible in
9 accordance with the provisions of subsection B of this section, and shall by its own terms
10 describe the property by its specific legal description, by lot and block, quarter section, or
11 portion of the quarter section, and provide such information as is necessary for indexing
12 as required in Sections 287 and 291 of this title, and on each such instrument shall be
13 listed the mailing address of the grantee, mortgagee, assignee or other designated party

1 to which the instrument is to be delivered after recording. If an instrument offered to a
2 county clerk for recording contains more than twenty-five legal descriptions requiring
3 separate entries in the indexes required by Sections 287 and 291 of this title, the
4 descriptions shall be sorted by addition, block, and lot if platted property, or by township,
5 range, and section if described by governmental survey description. Any instrument
6 offered to a county clerk for recording containing more than twenty-five legal
7 descriptions per page, counted as each description which could require a separate line
8 entry in the numerical index, shall be accompanied by an additional filing fee of One
9 Dollar (\$1.00) per legal description in excess of twenty-five legal descriptions per page to
10 be paid to the county clerk. Unless the person offering a nonconforming instrument for
11 filing is willing to reform the instrument to conform to statutory requirements, for which
12 purpose it may be withdrawn and refiled during the same business day, the county clerk
13 may refuse to record the same in the records of deeds, leases or mortgages or to index the
14 same upon the index records referred to in Sections 287 or 291 of this title, or to file or
15 record the same in the office of the county clerk.

16 B. All documents filed of record in the office of the county clerk pursuant to
17 subsection A of this section or pursuant to any other law shall be an original or a
18 certified copy of an original document. Such documents shall be clearly legible, in the
19 English language, using xerographically reproducible dark ink, on paper of a color that is
20 xerographically reproducible by the copying equipment in use by the county clerk.
21 Unless otherwise provided by law, such documents shall measure no larger than eight
22 and one-half (8 1/2) inches by fourteen (14) inches. All documents shall provide an area

1 free of printed information sufficient in size to accommodate affixation of the
2 documentary stamps required by Section 3201 of Title 68 of the Oklahoma Statutes, any
3 certification of the payment of mortgage taxes required by Section 1901 et seq. of Title 68
4 of the Oklahoma Statutes, and the recording information affixed by the county clerk
5 upon acceptance of a document for recordation. If an instrument submitted to the county
6 clerk for recording does not contain sufficient space for the affixation of such stamps and
7 recording information without covering language contained in the instrument, the county
8 clerk shall attach an additional page to the document to provide for the affixation of such
9 stamps and recording information. The top margin of all documents shall be at least one
10 (1) inch and all other margins shall be at least one-half (1/2) inch.

11 C. Despite any provision in this section to the contrary, the county clerk shall
12 accept for filing any document that fails to meet the requirements of subsection B of this
13 section if:

- 14 1. The document is an original or a certified copy of an original;
- 15 2. The document is legible without the aid of magnification or other enhancement
16 of the text;
- 17 3. The document is xerographically reproducible by the copying equipment in use
18 by the county clerk;
- 19 4. The document meets all other statutory requirements for recordation; and
- 20 5. The person offering the instrument for recording pays the additional fee provided
21 in Section 32 of Title 28 of the Oklahoma Statutes for nonconforming documents.

1 D. This section shall not apply to plats, filings under the Uniform Commercial
2 Code, or any other instruments that may be filed pursuant to any other law.

3 E. All documents accepted for filing, including all documents filed before the
4 effective date of this act, shall be deemed to comply with the requirements of this section
5 and, except as otherwise provided by law, impart constructive notice of the contents of
6 such document to third parties unless a person claiming adversely to any such document
7 files an affidavit setting forth the basis of such claim in the office of the county clerk of
8 the county where the property is located within six (6) months from the effective date of
9 this act.

10 SECTION 2. This act shall become effective November 1, 2008.

11 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT AND
12 TRANSPORTATION, dated 02-18-08 - DO PASS, As Coauthored.