

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 2270

By: Crain of the Senate

3 and

4 Sullivan of the House

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8 (property - transfer-on-death deed - affidavit -
9 effective date)

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12 AMENDMENT NO. 1. Strike the stricken title, enacting clause and
entire bill and insert

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14 "An Act relating to probate procedure; amending
Section 2, Chapter 78, O.S.L. 2008 (58 O.S. Supp.
15 2009, Section 1252), which relates to the
Nontestamentary Transfer of Property Act; requiring
16 execution of affidavit to show acceptance; listing
certain requirements for affidavit; specifying
17 procedure for recording affidavit; and providing an
effective date.

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

21 SECTION 1. AMENDATORY Section 2, Chapter 78, O.S.L. 2008
22 (58 O.S. Supp. 2009, Section 1252), is amended to read as follows:
23 Section 1252. A. An interest in real estate may be titled in
24 transfer-on-death form by recording a deed, signed by the record

1 owner of the interest, designating a grantee beneficiary or
2 beneficiaries of the interest. The deed shall transfer ownership of
3 the interest upon the death of the owner. A transfer-on-death deed
4 need not be supported by consideration.

5 B. The signature, consent or agreement of or notice to a
6 grantee beneficiary or beneficiaries of a transfer-on-death deed
7 shall not be required for any purpose during the lifetime of the
8 record owner.

9 C. To accept real estate pursuant to a transfer-on-death deed,
10 a designated grantee beneficiary shall execute a notarized affidavit
11 affirming:

12 1. Verification of the record owner's death;

13 2. Whether the record owner and the designated beneficiary were
14 married at the time of the record owner's death; and

15 3. A legal description of the real estate.

16 If the grantee beneficiary was not the record owner's spouse, he
17 or she shall attach a copy of the record owner's death certificate
18 and an estate tax release to the beneficiary affidavit. The
19 beneficiary shall record the affidavit and related documents with
20 the office of the county clerk where the real estate is located.

21 SECTION 2. This act shall become effective November 1, 2010."
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1 Passed the House of Representatives the 13th day of April, 2010.

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4 Presiding Officer of the House of
Representatives
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6 Passed the Senate the ____ day of _____, 2010.

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9 Presiding Officer of the Senate
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