

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 2270

By: Crain of the Senate

and

Sullivan of the House

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9 COMMITTEE SUBSTITUTE

10 An Act relating to probate procedure; amending
11 Section 2, Chapter 78, O.S.L. 2008 (58 O.S. Supp.
12 2009, Section 1252), which relates to the
13 Nontestamentary Transfer of Property Act; requiring
14 execution of affidavit to show acceptance; listing
15 certain requirements for affidavit; specifying
16 procedure for recording affidavit; and providing an
17 effective date.

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

19 SECTION 1. AMENDATORY Section 2, Chapter 78, O.S.L. 2008
(58 O.S. Supp. 2009, Section 1252), is amended to read as follows:

20 Section 1252. A. An interest in real estate may be titled in
21 transfer-on-death form by recording a deed, signed by the record
22 owner of the interest, designating a grantee beneficiary or
23 beneficiaries of the interest. The deed shall transfer ownership of
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1 the interest upon the death of the owner. A transfer-on-death deed
2 need not be supported by consideration.

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

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

- 10 1. Verification of the record owner's death;
11 2. Whether the record owner and the designated beneficiary were
12 married at the time of the record owner's death; and
13 3. A legal description of the real estate.

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

19 SECTION 2. This act shall become effective November 1, 2010.

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