

ENROLLED SENATE
BILL NO. 2270

By: Crain of the Senate

and

Sullivan of the House

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

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

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

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

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

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

1. Verification of the record owner's death;

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

3. A legal description of the real estate.

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

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

Passed the Senate the 28th day of April, 2010.

Presiding Officer of the Senate

Passed the House of Representatives the 13th day of April, 2010.

Presiding Officer of the House
of Representatives

