

THE HOUSE OF REPRESENTATIVES
Wednesday, April 1, 2009

Committee Substitute for
ENGROSSED
Senate Bill No. 615

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 615 - By: CRAIN
of the Senate and SULLIVAN of the House.

An Act relating to the Nontestamentary Transfer of Property Act; amending
Section 5, Chapter 78, O.S.L. 2008 (58 O.S. Supp. 2008, Section 1255), which
relates to grantee interest subject to encumbrances; establishing exception to
certain lien liability; and providing an effective date.

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

1 SECTION 1. AMENDATORY Section 5, Chapter 78, O.S.L. 2008 (58 O.S.
2 Supp. 2008, Section 1255), is amended to read as follows:
3 Section 1255. A. Title to the interest in real estate recorded in transfer-on-death
4 form shall vest in the designated grantee beneficiary or beneficiaries on the death of the
5 record owner. The death of the record owner shall be evidenced by the recording of an
6 affidavit in the office of the county clerk of the county where the real estate is located.
7 The affidavit shall be executed by the grantee beneficiary or beneficiaries. The affidavit
8 shall state the fact of the death of the record owner, state whether or not the record
9 owner and the designated grantee were husband and wife, and provide the legal
10 description of the real estate. The affidavit shall be notarized. If the record owner and

1 designated grantee were not husband and wife, a copy of the death certificate of the
2 record owner and an estate tax release shall be attached to the affidavit.

3 B. Grantee beneficiaries of a transfer-on-death deed take the interest of the record
4 owner in the real estate at death subject to all conveyances, assignments, contracts,
5 mortgages, liens and security pledges made by the record owner or to which the record
6 owner was subject during the lifetime of the record owner including, but not limited to,
7 any executory contract of sale, option to purchase, lease, license, easement, mortgage,
8 deed of trust or lien, and to any interest conveyed by the record owner that is less than
9 all of the record owner's interest in the property; provided, however, no lien shall be
10 effective against a grantee beneficiary until the expiration of the nine-month disclaimer
11 period provided in subsection D of Section 1254 of this title, unless the beneficiary exerts
12 dominion over the real estate within the nine-month period.

13 C. If a grantee beneficiary dies prior to the death of the record owner and an
14 alternative grantee beneficiary has not been designated on the deed, the transfer shall
15 lapse.

16 SECTION 2. This act shall become effective November 1, 2009.

17 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 03-31-09 - DO PASS,
18 As Amended.