

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 1067

By: Marlatt

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5
6 AS INTRODUCED

7 An Act relating to counties and county officers;
8 amending 19 O.S. 2001, Section 298, which relates to
9 recordable interests; adding certain information to
10 certain instruments; and providing an effective date.

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

12 SECTION 1. AMENDATORY 19 O.S. 2001, Section 298, is
13 amended to read as follows:

14 Section 298. A. Every county clerk in this state shall require
15 that the mandates of the Legislature be complied with, as expressed
16 in Sections 287 and 291 of this title, and for that purpose, every
17 instrument offered which may be accepted by the county clerk for
18 recording, affecting specific real property whether of conveyance,
19 encumbrance, assignment, or release of encumbrance, lease,
20 assignment of lease or release of lease, shall be an original or
21 certified copy of an original instrument and clearly legible in
22 accordance with the provisions of subsection B of this section, and
23 shall by its own terms describe the property by its specific legal
24 description, by lot and block, quarter section, or portion of the

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

1 B. All documents filed of record in the office of the county
2 clerk pursuant to subsection A of this section or pursuant to any
3 other law shall be an original or a certified copy of an original
4 document. Such documents shall be clearly legible, in the English
5 language, using xerographically reproducible dark ink, on paper of a
6 color that is xerographically reproducible by the copying equipment
7 in use by the county clerk. Unless otherwise provided by law, such
8 documents shall measure no larger than eight and one-half (8 1/2)
9 inches by fourteen (14) inches. All documents shall provide an area
10 free of printed information sufficient in size to accommodate
11 affixation of the documentary stamps required by Section 3201 of
12 Title 68 of the Oklahoma Statutes, any certification of the payment
13 of mortgage taxes required by Section 1901 et seq. of Title 68 of
14 the Oklahoma Statutes, and the recording information affixed by the
15 county clerk upon acceptance of a document for recordation. If an
16 instrument submitted to the county clerk for recording does not
17 contain sufficient space for the affixation of such stamps and
18 recording information without covering language contained in the
19 instrument, the county clerk shall attach an additional page to the
20 document to provide for the affixation of such stamps and recording
21 information. The top margin of all documents shall be at least one
22 (1) inch and all other margins shall be at least one-half (1/2)
23 inch.

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

4 1. The document is an original or a certified copy of an
5 original;

6 2. The document is legible without the aid of magnification or
7 other enhancement of the text;

8 3. The document is xerographically reproducible by the copying
9 equipment in use by the county clerk;

10 4. The document meets all other statutory requirements for
11 recordation; and

12 5. The person offering the instrument for recording pays the
13 additional fee provided in Section 32 of Title 28 of the Oklahoma
14 Statutes for nonconforming documents.

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

18 E. All documents accepted for filing, including all documents
19 filed before the effective date of this act, shall be deemed to
20 comply with the requirements of this section and, except as
21 otherwise provided by law, impart constructive notice of the
22 contents of such document to third parties unless a person claiming
23 adversely to any such document files an affidavit setting forth the
24 basis of such claim in the office of the county clerk of the county

1 where the property is located within six (6) months from the
2 effective date of this act.

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

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