

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 HOUSE BILL 2794

By: Ortega

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6 AS INTRODUCED

7 An Act relating to property; requiring specific
8 resolution of property disputes between religious
9 entities regarding ownership interests in real or
10 personal property; providing for express creation of
11 certain trust in the name of nonprofit or religious
corporations; stating requirements for creation of
certain trust; prohibiting certain implied trusts;
providing for codification; and providing an
effective date.

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

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 330 of Title 60, unless there is
17 created a duplication in numbering, reads as follows:

18 A. Any dispute between a nonprofit or religious corporation and
19 a national religious denomination, or in the case of a subordinate
20 religious corporation, any dispute between it and a superior
21 religious body, regarding ownership of a legal or equitable interest
22 in real property located in this state, shall be exclusively
23 resolved by resort to the deed or other instrument vesting ownership
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1 of the property and filed of record in the county where the property
2 is located.

3 B. Any dispute between a nonprofit or religious corporation and
4 a national corporation, or in the case of a subordinate religious
5 corporation, any dispute between it and a superior religious body,
6 regarding the ownership of a legal or equitable interest in tangible
7 or intangible personal property located in this state, shall be
8 exclusively resolved by possession and by resort to the bill of
9 sale, assignment, account documents, or other instrument reflecting
10 ownership of legal title to the personal property, unless an express
11 agreement executed by an authorized officer of the nonprofit or
12 religious corporation provides otherwise.

13 SECTION 2. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 172.1 of Title 60, unless there
15 is created a duplication in numbering, reads as follows:

16 A. No real or personal property located in this state which is
17 held in the name of a nonprofit or religious corporation shall be
18 deemed to be held in, or impressed with, any express trust unless
19 the trust was created by the execution and delivery of a written
20 instrument expressly creating the trust by a duly authorized officer
21 of the nonprofit or religious organization grantor. The instrument
22 also shall expressly convey a trust interest in specifically
23 described property to a named trustee for the benefit of a named
24 beneficiary.

1 B. No real or personal property located in this state and held
2 in the name of a nonprofit or religious corporation shall be deemed
3 to be held in, or impressed with, any implied trust in favor of a
4 national religious denomination or in the case of a subordinate
5 religious corporation, a superior religious body.

6 SECTION 3. This act shall become effective November 1, 2012.

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8 53-2-8406 EK 01/05/12

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