

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 HOUSE BILL 2736

By: McDaniel (Curtis)

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6 AS INTRODUCED

7 An Act relating to conveyances; amending 16 O.S.
8 2011, Section 4, which relates to homestead;
9 modifying certain recording requirements; decreasing
10 certain time period; and providing an effective date.

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

13 SECTION 1. AMENDATORY 16 O.S. 2011, Section 4, is
14 amended to read as follows:

15 Section 4. A. No deed, mortgage, or conveyance of real estate
16 or any interest in real estate, other than a lease for a period not
17 to exceed one (1) year, shall be valid unless in writing and
18 subscribed by the grantors. No deed, mortgage, or contract
19 affecting the homestead exempt by law, except a lease for a period
20 not exceeding one (1) year, shall be valid unless in writing and
21 subscribed by both husband and wife, if both are living and not
22 divorced, or legally separated, except as otherwise provided for by
23 law.

1 B. Unless specifically restricted, an attorney-in-fact may
2 execute a valid deed, mortgage or contract affecting the homestead
3 exempt by law including the principal's personal homestead rights on
4 behalf of:

- 5 1. A husband;
- 6 2. A wife; or
- 7 3. A husband and wife.

8 C. In order for the execution of an instrument affecting the
9 exempt homestead by an attorney-in-fact to be valid, the power of
10 attorney authorizing execution of a deed, mortgage, or contract
11 affecting the homestead exempt by law shall be recorded with the
12 county clerk of the county or counties in which the affected
13 property is located.

14 D. Nonjoinder of the spouse shall not invalidate the purchase
15 of a home with mortgage loan insurance furnished by the Veteran's
16 Administration or written contracts and real estate mortgages
17 executed by the spouse of a person who is certified by the United
18 States Department of Defense to be a prisoner of war or missing in
19 action. A deed affecting the homestead shall be valid without the
20 signature of the spouse of the grantor, and the spouse shall be
21 deemed to have consented thereto, when said deed has been recorded
22 in the office of the county clerk of the county in which the real
23 estate is located for a period of ~~ten (10) years~~ one (1) year prior
24 to a date ~~six (6) months~~ one (1) year after ~~May 25, 1953~~ November 1,

1 2014, and thereafter when the same shall have been so recorded for a
2 period of ~~ten (10) years~~ one (1) year, and no action shall have been
3 instituted within said time in any court of record having
4 jurisdiction seeking to cancel, avoid, or invalidate such deed by
5 reason of the alleged homestead character of the real estate at the
6 time of such conveyance.

7 SECTION 2. This act shall become effective November 1, 2014.

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