

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 216

By: Griffin

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5
6 AS INTRODUCED

7 An Act relating to county clerks; amending 19 O.S.
8 2011, Section 298, as amended by Section 1, Chapter
9 36, O.S.L. 2012 (19 O.S. Supp. 2014, Section 298),
10 which relates to recordable instruments; modifying
requirements for certain documents; stating exception
for certain government documents; providing an
effective date; and declaring an emergency.

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

14 SECTION 1. AMENDATORY 19 O.S. 2011, Section 298, as
15 amended by Section 1, Chapter 36, O.S.L. 2012 (19 O.S. Supp. 2014,
16 Section 298), is amended to read as follows:

17 Section 298. A. Every county clerk in this state shall require
18 that the mandates of the Legislature be complied with, as expressed
19 in Sections 287 and 291 of this title, and for that purpose, every
20 instrument offered which may be accepted by the county clerk for
21 recording, affecting specific real property whether of conveyance,
22 encumbrance, assignment, or release of encumbrance, lease,
23 assignment of lease or release of lease, shall be an original or
24 certified copy of an original instrument and clearly legible in

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

1 this title, or to file or record the same in the office of the
2 county clerk.

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

1 (10) point font. The top margin of all ~~documents~~ document pages
2 shall be at least ~~one (1) inch~~ one and one-half (1-1/2) inches and
3 all other margins shall be at least ~~one-half (1/2)~~ one (1) inch.

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

7 1. The document is an original or a certified copy of an
8 original;

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

11 3. The document is ~~xerographically~~ reproducible by the ~~copying~~
12 equipment in use by the county clerk;

13 4. The document meets all other statutory requirements for
14 recordation; and

15 5. The person offering the instrument for recording pays the
16 additional fee provided in Section 32 of Title 28 of the Oklahoma
17 Statutes for nonconforming documents.

18 D. Despite any provision in this section to the contrary, a
19 digitized image or electronic copy of an original or certified copy
20 of an original instrument or document shall satisfy the requirement
21 that the document be an original or certified copy of an original
22 instrument or document, provided that the digitized image or
23 electronic copy is submitted for recording electronically pursuant
24 to the Uniform Real Property Electronic Recording Act in Title 16 of

1 the Oklahoma Statutes and all other rules promulgated pursuant to
2 that act.

3 E. This section shall not apply to plats, filings under the
4 Uniform Commercial Code, documents created by federal, state and
5 local government entities or any other instruments that may be filed
6 pursuant to any other law.

7 F. All documents accepted for filing, including all documents
8 ~~filed~~ notarized before ~~the effective date of this act~~ February 18,
9 1997, shall be deemed to comply with the requirements of this
10 section and, except as otherwise provided by law, impart
11 constructive notice of the contents of such document to third
12 parties unless a person claiming adversely to any such document
13 files an affidavit setting forth the basis of such claim in the
14 office of the county clerk of the county where the property is
15 located within six (6) months from the effective date of this act.

16 SECTION 2. This act shall become effective July 1, 2015.

17 SECTION 3. It being immediately necessary for the preservation
18 of the public peace, health and safety, an emergency is hereby
19 declared to exist, by reason whereof this act shall take effect and
20 be in full force from and after its passage and approval.

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22 55-1-875

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