

1 STATE OF OKLAHOMA

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

3 SENATE BILL 745

By: Sykes

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5  
6 AS INTRODUCED

7 An Act relating to transfer-on-death deeds; amending  
8 58 O.S. 2011, Section 1252, which relates to  
9 acceptance of transfer-on-death deed; clarifying  
application of certain recording requirement; and  
declaring an emergency.

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

13 SECTION 1. AMENDATORY 58 O.S. 2011, Section 1252, is  
14 amended to read as follows:

15 Section 1252. A. An interest in real estate may be titled in  
16 transfer-on-death form by recording a deed, signed by the record  
17 owner of the interest, designating a grantee beneficiary or  
18 beneficiaries of the interest. The deed shall transfer ownership of  
19 the interest upon the death of the owner. A transfer-on-death deed  
20 need not be supported by consideration. For purposes of the  
21 Nontestamentary Transfer of Property Act, an "interest in real  
22 estate" means any estate or interest in, over or under land,  
23 including surface, minerals, structures and fixtures.  
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1 B. The signature, consent or agreement of or notice to a  
2 grantee beneficiary or beneficiaries of a transfer-on-death deed  
3 shall not be required for any purpose during the lifetime of the  
4 record owner.

5 C. To accept real estate pursuant to a transfer-on-death deed,  
6 a designated grantee beneficiary shall execute an affidavit  
7 affirming:

8 1. Verification of the record owner's death;

9 2. Whether the record owner and the designated beneficiary were  
10 married at the time of the record owner's death; and

11 3. A legal description of the real estate.

12 D. The grantee shall attach a copy of the record owner's death  
13 certificate to the beneficiary affidavit. ~~The~~ For a record owner's  
14 death occurring on or after November 1, 2011, the beneficiary shall  
15 record the affidavit and related documents with the office of the  
16 county clerk where the real estate is located within nine (9) months  
17 of the grantor's death, otherwise the interest in the property  
18 reverts to the deceased grantor's estate; provided, however, for a  
19 record owner's death occurring before November 1, 2011, such  
20 recording of the affidavit and related documents by the beneficiary  
21 shall not be subject to the nine-month time limitation.

22 Notwithstanding the provisions of Section 26 of Title 16 of the  
23 Oklahoma Statutes, an affidavit properly sworn to before a notary  
24 shall be received for record and recorded by the county clerk

1 without having been acknowledged and, when recorded, shall be  
2 effective as if it had been acknowledged.

3 SECTION 2. It being immediately necessary for the preservation  
4 of the public peace, health and safety, an emergency is hereby  
5 declared to exist, by reason whereof this act shall take effect and  
6 be in full force from and after its passage and approval.

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