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February 21, 2019

By: Rader

An Act relating to counties and county officers; amending 19 O.S. 2011, Section 298, as last amended by Section 1, Chapter 176, O.S.L. 2015 (19 O.S. Supp. 2018, Section 298), which relates to instruments to contain information necessary for indexing; specifying margin size requirement for certain documents; updating statutory references; and providing an effective date.

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

SECTION 1. AMENDATORY 19 O.S. 2011, Section 298, as last amended by Section 1, Chapter 176, O.S.L. 2015 (19 O.S. Supp. 2018, Section 298), is amended to read as follows:

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

1 shall by its own terms describe the property by its specific legal
2 description, and provide such information as is necessary for
3 indexing as required in Sections 287 and 291 of this title, and on
4 each such instrument shall be listed the mailing address of the
5 grantee, mortgagee, assignee or other designated party to which the
6 instrument is to be delivered after recording. If an instrument
7 offered to a county clerk for recording contains more than twenty-
8 five legal descriptions requiring separate entries in the indexes
9 required by Sections 287 and 291 of this title, the descriptions
10 shall be sorted by addition, block, and lot if platted property, or
11 by township, range, and section if described by governmental survey
12 description. Any instrument offered to a county clerk for recording
13 containing more than twenty-five legal descriptions per page,
14 counted as each description which could require a separate line
15 entry in the numerical index, shall be accompanied by an additional
16 filing fee of One Dollar (\$1.00) per legal description in excess of
17 twenty-five legal descriptions per page to be paid to the county
18 clerk. Unless the person offering a nonconforming instrument for
19 filing is willing to reform the instrument to conform to statutory
20 requirements, for which purpose it may be withdrawn and refiled
21 during the same business day, the county clerk may refuse to record
22 the same in the records of deeds, leases or mortgages or to index
23 the same upon the index records referred to in Section 287 or 291 of
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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. Any
18 part of a signature or any stray markings within the margin shall
19 not void the requirements for accepting and filing any document by
20 any county within the state, provided there remains sufficient space
21 for the affixation of stamps and recording information without
22 covering language contained in the instrument. If an instrument
23 submitted to the county clerk for recording does not contain
24 sufficient space for the affixation of such stamps and recording

1 information without covering language contained in the instrument,
2 the county clerk shall attach an additional page to the document to
3 provide for the affixation of such stamps and recording information.
4 A county clerk shall not charge any additional fee or fine for stray
5 markings within the margin of a document. The top margin of all
6 documents shall be at least ~~one (1) inch~~ two (2) inches and all
7 other margins shall be at least ~~one-half (1/2)~~ one (1) inch.

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

11 1. The document is an original or a certified copy of an
12 original;

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

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

17 4. The document meets all other statutory requirements for
18 recordation; and

19 5. The person offering the instrument for recording pays the
20 additional fee provided in Section 32 of Title 28 of the Oklahoma
21 Statutes for nonconforming documents.

22 D. Despite any provision in this section to the contrary, a
23 digitized image or electronic copy of an original or certified copy
24 of an original instrument or document shall satisfy the requirement

1 that the document be an original or certified copy of an original
2 instrument or document, provided that the digitized image or
3 electronic copy is submitted for recording electronically pursuant
4 to the Uniform Real Property Electronic Recording Act in Title 16 of
5 the Oklahoma Statutes and all other rules promulgated pursuant to
6 that act.

7 E. This section shall not apply to plats, filings under the
8 Uniform Commercial Code, or any other instruments that may be filed
9 pursuant to any other law.

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

19 SECTION 2. This act shall become effective November 1, 2019.

20 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT
21 February 21, 2019 - DO PASS
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