

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 ENGROSSED SENATE
5 BILL NO. 298

By: Howard of the Senate

and

Moore of the House

6
7
8
9 An Act relating to transfer-on-death deeds; amending
10 58 O.S. 2021, Section 1252, which relates to
11 acceptance of property; clarifying ability of grantee
12 beneficiary to accept certain property; clarifying
13 effect of beneficiary affidavit executed prior to
14 certain date; and providing an effective date.

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

16 SECTION 1. AMENDATORY 58 O.S. 2021, Section 1252, is
17 amended to read as follows:

18 Section 1252. A. An interest in real estate may be titled in
19 transfer-on-death form by recording a deed, signed by the record
20 owner of the interest, designating a grantee beneficiary or
21 beneficiaries of the interest. The deed shall transfer ownership of
22 the interest upon the death of the owner. A transfer-on-death deed
23 need not be supported by consideration. For purposes of the
24 Nontestamentary Transfer of Property Act, an "interest in real

1 estate" means any estate or interest in, over or under land,
2 including surface, minerals, structures and fixtures.

3 B. The signature, consent or agreement of or notice to a
4 grantee beneficiary or beneficiaries of a transfer-on-death deed
5 shall not be required for any purpose during the lifetime of the
6 record owner.

7 C. ~~To~~ A designated grantee beneficiary may accept real estate
8 pursuant to a transfer-on-death deed only on behalf of himself,
9 herself, or a legal entity over which he or she has proper
10 authority. A beneficiary shall not accept such real estate on
11 behalf of another designated beneficiary.

12 D. Each designated grantee beneficiary wishing to accept real
13 estate pursuant to a transfer-on-death deed,~~a designated grantee~~
14 ~~beneficiary~~ shall execute an affidavit affirming:

- 15 1. Verification of the record owner's death;
16 2. Whether the record owner and the designated beneficiary were
17 married at the time of the record owner's death; and
18 3. A legal description of the real estate.

19 ~~D.~~ E. The grantee shall attach a copy of the record owner's
20 death certificate to the beneficiary affidavit. For a record
21 owner's death occurring on or after November 1, 2011, the
22 beneficiary shall record the affidavit and related documents with
23 the office of the county clerk where the real estate is located
24 within nine (9) months of the grantor's death, otherwise the

1 interest in the property reverts to the deceased grantor's estate;
2 provided, however, for a record owner's death occurring before
3 November 1, 2011, such recording of the affidavit and related
4 documents by the beneficiary shall not be subject to the nine-month
5 time limitation. Notwithstanding the provisions of Section 26 of
6 Title 16 of the Oklahoma Statutes, an affidavit properly sworn to
7 before a notary shall be received for record and recorded by the
8 county clerk without having been acknowledged and, when recorded,
9 shall be effective as if it had been acknowledged.

10 F. A beneficiary affidavit recorded pursuant to this section
11 before November 1, 2023, in which one or more, but not all, named
12 beneficiaries of a transfer-on-death deed explicitly accepts the
13 interests being conveyed by the deed on behalf of all or some of the
14 beneficiaries named therein shall be effective to accept such
15 interests if executed by at least one of the named beneficiaries
16 accepting such interests.

17 SECTION 2. This act shall become effective November 1, 2023.

18
19 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CIVIL, dated
20 04/11/2023 - DO PASS.
21
22
23
24