

1 **SENATE FLOOR VERSION**

2 February 9, 2023

3 SENATE BILL NO. 57

By: Rader

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6 An Act relating to counties and county officers;
7 amending 19 O.S. 2021, Section 298, which relates to
8 instruments to contain information necessary for
9 indexing; specifying margin size requirement for
10 certain documents; updating statutory references; and
11 providing an effective date.

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

13 SECTION 1. AMENDATORY 19 O.S. 2021, Section 298, is
14 amended to read as follows:

15 Section 298. A. Every county clerk in this state shall require
16 that the mandates of the Legislature be complied with, as expressed
17 in Sections 287 and 291 of this title, and for that purpose, every
18 instrument offered which may be accepted by the county clerk for
19 recording, affecting specific real property whether of conveyance,
20 encumbrance, assignment, or release of encumbrance, lease,
21 assignment of lease or release of lease, shall be an original or
22 certified copy of an original instrument and clearly legible in
23 accordance with the provisions of subsection B of this section, and
24 shall by its own terms describe the property by its specific legal
description, and provide such information as is necessary for

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

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

1 provide for the affixation of such stamps and recording information.
2 A county clerk shall not charge any additional fee or fine for stray
3 markings within the margin of a document. The top margin of all
4 documents shall be at least ~~one (1) inch~~ two (2) inches and all
5 other margins shall be at least ~~one-half (1/2)~~ one (1) inch.

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

9 1. The document is an original or a certified copy of an
10 original;

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

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

15 4. The document meets all other statutory requirements for
16 recordation; and

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

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

1 | electronic copy is submitted for recording electronically pursuant
2 | to the Uniform Real Property Electronic Recording Act in Title 16 of
3 | the Oklahoma Statutes and all other rules promulgated pursuant to
4 | that act.

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

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

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

18 | COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT
19 | February 9, 2023 - DO PASS

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