

1 Nontestamentary Transfer of Property Act, an "interest in real
2 estate" means any estate or interest in, over or under land,
3 including surface, minerals, structures and fixtures.

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

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

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

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

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

1 ~~of the grantor's death, otherwise the interest in the property~~
2 ~~reverts to the deceased grantor's estate; provided, however, for a~~
3 ~~record owner's death occurring before November 1, 2011, such~~
4 ~~recording of the affidavit and related documents by the beneficiary~~
5 ~~shall not be subject to the nine-month time limitation.~~

6 Notwithstanding the provisions of Section 26 of Title 16 of the
7 Oklahoma Statutes, an affidavit properly sworn to before a notary
8 shall be received for record and recorded by the county clerk
9 without having been acknowledged and, when recorded, shall be
10 effective as if it had been acknowledged.

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

18 SECTION 2. This act shall become effective November 1, 2026.

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20 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY
21 OVERSIGHT, dated 02/26/2026 - DO PASS, As Coauthored.

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