

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 HOUSE BILL 3500

By: Duel

6 AS INTRODUCED

7 An Act relating to probate procedure; amending 58  
8 O.S. 2021, Section 1252, as amended by Section 1,  
9 Chapter 101, O.S.L. 2023 (58 O.S. Supp. 2025, Section  
10 1252), which relates to transfer-on-death deeds;  
11 removing nine (9) month requirement to accept  
12 property; and providing an effective date.

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

14 SECTION 1. AMENDATORY 58 O.S. 2021, Section 1252, as  
15 amended by Section 1, Chapter 101, O.S.L. 2023 (58 O.S. Supp. 2025,  
16 Section 1252), is amended to read as follows:

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

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

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

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

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

16           3. A legal description of the real estate.

17       E. The grantee shall attach a copy of the record owner's death  
18       certificate to the beneficiary affidavit. For a record owner's  
19       death occurring on or after November 1, 2011, the beneficiary shall  
20       record the affidavit and related documents with the office of the  
21       county clerk where the real estate is located ~~within nine (9) months~~  
22       ~~of the grantor's death, otherwise the interest in the property~~  
23       ~~reverts to the deceased grantor's estate; provided, however, for a~~  
24       ~~record owner's death occurring before November 1, 2011, such~~

1 ~~recording of the affidavit and related documents by the beneficiary~~  
2 ~~shall not be subject to the nine-month time limitation.~~

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

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

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