

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 3500

By: Duel

AS INTRODUCED

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

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

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

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

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

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

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

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

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