

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 55th Legislature (2015)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 1120

By: Russ

7  
8                                   COMMITTEE SUBSTITUTE

9                   An Act relating to mortgages; amending 46 O.S. 2011,  
10                   Section 15, which relates to release of mortgage;  
11                   authorizing title insurance company to recover  
12                   certain penalty; defining terms; and providing an  
13                   effective date.

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

15                   SECTION 1.            AMENDATORY            46 O.S. 2011, Section 15, is  
16                   amended to read as follows:

17                   Section 15.   A.   Any mortgage on real estate shall be released  
18                   by the holder of any such mortgage within fifty (50) days of the  
19                   payment of the debt secured by the mortgage and the holder of the  
20                   mortgage shall file the release of the mortgage with the county  
21                   clerk where the mortgage is recorded.  If, at the end of the fifty-  
22                   day period, the holder has failed to release the mortgage, the  
23                   mortgagor may at any time request in writing the holder of the  
24                   mortgage to release the mortgage and the holder of the mortgage

1 shall have ten (10) days from the date of the request to release  
2 such mortgage. If the holder of the mortgage fails to release the  
3 mortgage by the end of such ten-day period, ~~he~~ the holder shall then  
4 forfeit and pay to the mortgagor a penalty of one percent (1%) of  
5 the principal debt not to exceed One Hundred Dollars (\$100.00) per  
6 day each day the release is not recorded after the ten-day period  
7 has expired and the penalty shall be recovered in a civil action in  
8 any court having jurisdiction thereof, but the request for the  
9 release shall be in writing and describe the mortgage and premises  
10 with reasonable certainty. Provided that, the total penalty shall  
11 not exceed one hundred percent (100%) of the total principal debt.

12 B. A title insurance company or its duly appointed agent may  
13 bring action on behalf of the mortgagor to recover the penalty  
14 described in subsection A of this section.

15 C. For purposes of this section, ~~"mortgagor":~~

16 1. "Mortgagor" shall include any subsequent purchaser of the  
17 mortgaged real estate; and

18 2. "Title insurance company" shall mean a corporation or other  
19 business entity authorized and licensed to transact business of  
20 insuring titles to interests in real property in this state.

21 SECTION 2. This act shall become effective November 1, 2015.

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23 COMMITTEE REPORT BY: COMMITTEE ON BANKING AND FINANCIAL SERVICES,  
24 dated 02/17/2015 - DO PASS, As Amended.