

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

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

4 HOUSE BILL 1122

                                  By: Russ

7                                   AS INTRODUCED

8                   An Act relating to counties and county officers;  
9                   amending 19 O.S. 2011, Section 298, as amended by  
10                  Section 1, Chapter 36, O.S.L. 2012 (19 O.S. Supp.  
11                  2014, Section 298), which relates to records and  
                  deeds; clarifying acceptance and filing of certain  
                  documents by county clerks; prohibiting additional  
                  fees; and providing an effective date.

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

15           SECTION 1.           AMENDATORY           19 O.S. 2011, Section 298, as  
16           amended by Section 1, Chapter 36, O.S.L. 2012 (19 O.S. Supp. 2014,  
17           Section 298), is amended to read as follows:

18           Section 298. A. Every county clerk in this state shall require  
19           that the mandates of the Legislature be complied with, as expressed  
20           in Sections 287 and 291 of this title, and for that purpose, every  
21           instrument offered which may be accepted by the county clerk for  
22           recording, affecting specific real property whether of conveyance,  
23           encumbrance, assignment, or release of encumbrance, lease,  
24           assignment of lease or release of lease, shall be an original or

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

1 the same upon the index records referred to in Section 287 or 291 of  
2 this title, or to file or record the same in the office of the  
3 county clerk.

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

1 sufficient space for the affixation of such stamps and recording  
2 information without covering language contained in the instrument,  
3 the county clerk shall attach an additional page to the document to  
4 provide for the affixation of such stamps and recording information.  
5 A county clerk shall not charge any additional fee or fine for stray  
6 markings within the margin of a document. The top margin of all  
7 documents shall be at least one (1) inch and all other margins shall  
8 be at least one-half (1/2) inch.

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

12 1. The document is an original or a certified copy of an  
13 original;

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

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

18 4. The document meets all other statutory requirements for  
19 recordation; and

20 5. The person offering the instrument for recording pays the  
21 additional fee provided in Section 32 of Title 28 of the Oklahoma  
22 Statutes for nonconforming documents.

23 D. Despite any provision in this section to the contrary, a  
24 digitized image or electronic copy of an original or certified copy

1 of an original instrument or document shall satisfy the requirement  
2 that the document be an original or certified copy of an original  
3 instrument or document, provided that the digitized image or  
4 electronic copy is submitted for recording electronically pursuant  
5 to the Uniform Real Property Electronic Recording Act in Title 16 of  
6 the Oklahoma Statutes and all other rules promulgated pursuant to  
7 that act.

8 E. This section shall not apply to plats, filings under the  
9 Uniform Commercial Code, or any other instruments that may be filed  
10 pursuant to any other law.

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

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

21  
22 COMMITTEE REPORT BY: COMMITTEE ON COUNTY AND MUNICIPAL GOVERNMENT,  
23 dated 02/12/2015 - DO PASS, As Amended and Coauthored.

24