

OKLAHOMA STATUTES
TITLE 16. CONVEYANCES

§16-1. Persons who may convey - Married persons - Legal entities.....	3
§16-2. Witness not necessary.	3
§16-3. Attorney-in-fact.	3
§16-4. Necessity of writing and signing - Veterans' loans - Homestead - Joinder of husband and wife - Effect of record for 10 years.	3
§16-5. Validation of conveyances.	4
§16-6. When husband or wife may convey homestead.	4
§16-7. Husband or wife of incapacitated spouse may sell, convey, lease or mortgage homestead held in joint tenancy.	5
§16-8. Verified petition to be filed.....	5
§16-9. Copy of petition to be served.	5
§16-9.1. Notice of sale - Orders.	6
§16-10. Order of sale to be entered of record.....	6
§16-11. Estoppel by receiving benefits.	6
§16-11A. Constructive mortgage - Exemptions.	6
§16-12. Officers' deeds recorded.....	7
§16-13. Conveyance of separate property.	7
§16-14. Terms defined.	7
§16-15. Necessity of acknowledgment and recording - Condition for judgment lien to be binding against third persons.....	7
§16-16. Instruments filed for record as constructive notice.	8
§16-16.1. Filing of special improvement district assessment in office of county clerk.	8
§16-17. After-acquired title.	8
§16-18. Quitclaim conveys what.....	8
§16-19. Warranty deed conveys what - Implied terms.....	9
§16-20. Power of attorney - Execution - Recording.....	9
§16-21. Revocation of power of attorney.....	9
§16-22. Judgment for recovery of land - When effective against grantors.	10
§16-23. Notice of suit to grantor.	10
§16-24. Defense by warrantor - Recovery by warrantee.....	10
§16-25. Failure to defend - Recovery.....	10
§16-26. Acknowledgment before recording.	11
§16-27a. Instruments recorded for five (5) years valid notwithstanding defects - Evidence.	11
§16-28. Instruments to be printed or handwritten in English – Electronic filing.....	12
§16-29. Fee simple - Exception.	12
§16-30. Will recorded.	12
§16-31. Judgment recorded.....	12
§16-32. Minor may hold real estate - Estates to commence in future.	12
§16-33. Form of acknowledgment.....	13
§16-34. Execution by mark.	13
§16-35. Acknowledgment to be under seal - Before whom taken.	13
§16-36. Legalizing acknowledgments heretofore taken.....	14
§16-37. Foreign acknowledgments legalized.....	14
§16-37a. Foreign acknowledgments validated.	14
§16-37b. Foreign execution and acknowledgments validated - Exceptions.....	14
§16-38. Acknowledgments before deputy clerk of district court validated.	15
§16-39. Justice of the Peace - Acknowledgments validated.	15
§16-39a. Record of deeds, mortgages, etc., where acknowledgment defective - Validation.	15
§16-40. Form of warranty deed.	16
§16-41. Form of quitclaim deed.....	16
§16-42. Form of sheriff's deed.....	16

§16-43. Recording of instruments and judgments affecting real estate situated in more than one county.	17
§16-51. Repealed by Laws 1994, c. 238, § 6, eff. Sept. 1, 1994.	18
§16-52. Repealed by Laws 1994, c. 238, § 6, eff. Sept. 1, 1994.	18
§16-53. Recorded signed documents - Rebuttable presumptions.	18
§16-54. Discriminatory restrictive covenants — Filing declaration for removal.	19
§16-55. Recording declaration to remove discriminatory restrictive covenants — Form.	20
§16-61. Definitions.	21
§16-62. Purchasers for value of real estate - Reliance upon status of title as reflected by county records and by decrees and judgements of courts.	21
§16-63. Notice of claim.	24
§16-66. Purpose.	25
§16-67. Claim and purchase of severed mineral interest through recorded affidavit of death and heirship.	25
§16-68. Abolition of doctrine of constructive possession.	26
§16-71. Marketable record title defined.	27
§16-72. Title subject to certain interests and defects.	27
§16-73. Claims prior to date of root title as null and void.	28
§16-74. Filing of notice of claim - Disability or lack of knowledge - Thirty-year possession as deemed equivalent to filing notice.	28
§16-75. Contents and recording of notice - Sham legal process.	29
§16-76. Exceptions to application of act - Stray instruments - Root of title - Severed mineral interests.	31
§16-77. Operation of statutes of limitations or recording statutes unaffected.	32
§16-78. Definitions.	32
§16-79. Penalties for filing slanderous notices of claims - Quiet title action independent of criminal action.	33
§16-80. Construction.	33
§16-82. Recording of affidavit - Rebuttable presumption.	33
§16-83. Matters to which affidavit may relate.	33
§16-84. Description of land - Recording fee - Indexing.	34
§16-85. False statements - Penalties.	34
§16-86.1. Short title.	34
§16-86.2. Definitions.	34
§16-86.3. Validity of electronic documents.	35
§16-86.4. Recording of documents.	35
§16-86.5. Administration and standards.	36
§16-86.6. Uniformity of application and construction.	37
§16-86.7. Relation to Electronic Signatures in Global and National Commerce Act.	37
§16-87. Recordation of electronic documents in tangible form.	37
§16-91. Corporations may convey by attorney.	39
§16-92. Instrument by corporation valid.	39
§16-93. Manner of execution by corporation.	39
§16-94. Repealed by Laws 1994, c. 238, § 6, eff. Sept. 1, 1994.	40
§16-95. Acknowledgment by corporation - Form.	40
§16-96. Mechanic's materialman's lien statement - Execution, attestation, seal or acknowledgement not required - Release.	40
§16-201. Citation.	40
§16-202. Rights and duties of parties.	41
§16-203. Uniform law.	41
§16-301. Short title — Prohibition of Unfair Service Agreements Act.	41
§16-302. Definitions.	41
§16-303. Qualifications — Application.	42

§16-304. Unenforceable if deemed unfair.....	42
§16-305. Recording prohibited.....	42
§16-306. Court order to declare recorded agreements unenforceable.	43
§16-307. Damages.....	43

§16-1. Persons who may convey - Married persons - Legal entities.

A. Any person at least eighteen (18) years of age, being otherwise qualified thereto, and all persons upon whom the rights of majority have been conferred, and any legal entity, may own and transfer real property. Provided, that any persons of whatsoever age, who have been legally married and who are otherwise qualified, may own and transfer real property acquired after marriage.

B. A transfer of real property may be made to, and title taken in, the name of a legal entity or of an office, in which case the title vests in the entity or the person from time to time holding the office.

C. As used in this section, "entity" or "legal entity" means a corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership, limited liability company, joint venture, an unincorporated association formed for the purposes authorized by the Interlocal Cooperation Act in Section 1003 of Title 74 of the Oklahoma Statutes or any other entity otherwise authorized by statute to hold title to real property.

D. Unless otherwise provided by statute, a defunct or dissolved entity continues in existence for the purpose of transferring real property.

R.L. 1910, § 1140. Amended by Laws 1972, c. 221, § 5, eff. Aug. 1, 1972; Laws 1995, c. 232, § 2, eff. Nov. 1, 1995.

§16-2. Witness not necessary.

No subscribing witness shall be necessary to the validity of any deed, mortgage, contract, lease, bond, or other instrument conveying, affecting or relating to real estate.

R.L.1910, § 1141.

§16-3. Attorney-in-fact.

Any instrument affecting real estate may be made by an attorney-in-fact, duly appointed and empowered as hereinafter provided.

R.L.1910, § 1175.

§16-4. Necessity of writing and signing - Veterans' loans - Homestead - Joinder of husband and wife - Effect of record for 10 years.

A. No deed, mortgage, or conveyance of real estate or any interest in real estate, other than a lease for a period not to exceed one (1) year, shall be valid unless in writing and subscribed by the grantors. No deed, mortgage, or contract affecting the

homestead exempt by law, except a lease for a period not exceeding one (1) year, shall be valid unless in writing and subscribed by both husband and wife, if both are living and not divorced, or legally separated, except as otherwise provided for by law.

B. Unless specifically restricted, an attorney-in-fact may execute a valid deed, mortgage or contract affecting the homestead exempt by law including the principal's personal homestead rights on behalf of:

1. A husband;
2. A wife; or
3. A husband and wife.

C. In order for the execution of an instrument affecting the exempt homestead by an attorney-in-fact to be valid, the power of attorney authorizing execution of a deed, mortgage, or contract affecting the homestead exempt by law shall be recorded with the county clerk of the county or counties in which the affected property is located.

D. Nonjoinder of the spouse shall not invalidate the purchase of a home with mortgage loan insurance furnished by the Veteran's Administration or written contracts and real estate mortgages executed by the spouse of a person who is certified by the United States Department of Defense to be a prisoner of war or missing in action. A deed affecting the homestead shall be valid without the signature of the spouse of the grantor, and the spouse shall be deemed to have consented thereto, when said deed has been recorded in the office of the county clerk of the county in which the real estate is located for a period of ten (10) years prior to a date six (6) months after May 25, 1953, and thereafter when the same shall have been so recorded for a period of ten (10) years, and no action shall have been instituted within said time in any court of record having jurisdiction seeking to cancel, avoid, or invalidate such deed by reason of the alleged homestead character of the real estate at the time of such conveyance.

R.L. 1910, § 1143. Amended by Laws 1945, p. 40, § 1; Laws 1953, p. 64, § 1; Laws 1973, c. 24, § 1, emerg. eff. April 17, 1973; Laws 1983, c. 309, § 1, operative Oct. 1, 1983; Laws 1997, c. 80, § 1, eff. Nov. 1, 1997.

§16-5. Validation of conveyances.

All deeds, mortgages and contracts relating to real estate or any interest therein executed since the taking effect of Chapter 8, of the Session Laws of Oklahoma, 1897, executed in accordance with the provisions of the preceding section are hereby declared to be legal and valid.

R.L.1910, § 1144.

§16-6. When husband or wife may convey homestead.

Where the title to the homestead is in the husband, and the wife voluntarily abandons him for a period of one (1) year or from any cause takes up her residence out of the state, he may convey, mortgage or make any contract relating thereto without being joined therein by her; and where the title to the homestead is in the wife and the husband voluntarily abandons her, or from any cause takes up his residence out of the state for a period of one (1) year she may convey, mortgage or make any contract relating thereto without being joined therein by him.
R.L.1910, § 1145.

§16-7. Husband or wife of incapacitated spouse may sell, convey, lease or mortgage homestead held in joint tenancy.

In case of a homestead held in joint tenancy, if one spouse becomes incapacitated, upon application of the other spouse to the district court of the county in which the homestead is located, and upon due proof of said incapacity, the court may issue an order permitting said other spouse to sell, convey, lease, lease for oil and gas mining purposes, or mortgage the homestead. For purposes of this section and Sections 3 and 4 of this act "incapacitated" or "incapacity" means impairment due to mental illness, mental deficiency, physical illness or disability, to the extent the individual lacks sufficient understanding or capacity to make or communicate responsible decisions.
Amended by Laws 1983, c. 309, § 2, operative Oct. 1, 1983.

§16-8. Verified petition to be filed.

The applicant shall present and file in the district court a verified petition setting forth the name and age of the incapacitated spouse, a description of the homestead, the county in which the homestead is located, and such other facts relating to the circumstances and needs of the applicant and his family that may support the petition.
Amended by Laws 1983, c. 309, § 3, operative Oct. 1, 1983.

§16-9. Copy of petition to be served.

At least thirty (30) days before the hearing of the petition, the applicant or his attorney shall serve a copy of the petition upon the nearest competent relative of the incapacitated spouse in this state. If there is no such relative known to the applicant, a copy of the petition shall be served upon the district attorney of the county in which the homestead is located. The district attorney, if served with a copy of the petition, shall appear in court and see that the application is made in good faith and that the proceedings thereon are fairly conducted.
Amended by Laws 1983, c. 309, § 4, operative Oct. 1, 1983.

§16-9.1. Notice of sale - Orders.

Any sale provided for in this act shall be conducted pursuant to the notice and order provisions of Sections 826, 827 and 833 of Title 58 of the Oklahoma Statutes.

Added by Laws 1983, c. 309, § 5, operative Oct. 1, 1983.

§16-10. Order of sale to be entered of record.

If the court shall make the order authorizing the sale of the homestead as herein provided, the same shall be entered upon the minutes of the court and thereafter the sale, conveyance, lease, or mortgage made in pursuance of such order shall be as valid and effectual as if the property affected thereby was the absolute property in fee simple of the person making such sale, conveyance, lease or mortgage.

R.L.1910, § 1149. Amended by Laws 1947, p. 81, § 2.

§16-11. Estoppel by receiving benefits.

Any person or corporation, having knowingly received and accepted the benefits or any part thereof, of any conveyance, mortgage or contract relating to real estate shall be concluded thereby and estopped to deny the validity of such conveyance, mortgage or contract, or the power or authority to make and execute the same, except on the ground of fraud; but this section shall not apply to minors or persons of unsound mind who pay or tender back the amount of such benefit received by themselves.

R.L.1910, § 1150.

§16-11A. Constructive mortgage - Exemptions.

All contracts for deed for purchase and sale of real property made for the purpose or with the intention of receiving the payment of money and made for the purpose of establishing an immediate and continuing right of possession of the described real property, whether such instruments be from the debtor to the creditor or from the debtor to some third person in trust for the creditor, shall to that extent be deemed and held mortgages, and shall be subject to the same rules of foreclosure and to the same regulations, restraints and forms as are prescribed in relation to mortgages. No foreclosure shall be initiated, nor shall the court allow such proceedings, unless the documents have been filed of record in the county clerk's office, and mortgage tax paid thereon, in the amount required for regular mortgage transactions. Provided, however, mutual help and occupancy agreements executed by an Indian housing authority created pursuant to Section 1057 of Title 63 of the Oklahoma Statutes shall not be considered to be mortgages or contracts for deed under the provisions of this section.

Amended by Laws 1983, c. 108, § 1, emerg. eff. May 12, 1983.

§16-12. Officers' deeds recorded.

Deeds executed by any sheriff or other officer, for real estate sold under execution, order of sale, or pursuant to any order or decree of court, shall be executed, acknowledged and recorded in the manner and with like effect as other deeds.

R.L.1910, § 1151.

§16-13. Conveyance of separate property.

A. The husband or wife may convey, mortgage or make any contract relating to any real estate, other than the homestead, belonging to him or her, as the case may be, without being joined by the other in such conveyance, mortgage or contract.

B. In the event a recorded conveyance of nonhomestead property has been executed by a married grantor without being joined by his or her spouse, said conveyance shall still be considered a valid conveyance of marketable title if one of the following instruments is placed of record:

1. An affidavit executed by the nonjoining spouse stating that the property conveyed was nonhomestead property; or

2. A conveyance executed by the nonjoining spouse, with or without others, relinquishing any claim to an interest in the property to the same grantee, or to a successor or successors in interest, with a recitation that the property was nonhomestead property.

R.L.1910, § 1152. Amended by Laws 2019, c. 97, § 1, eff. Nov. 1, 2019.

§16-14. Terms defined.

The words "land," "real estate" and "premises" when used herein or in any instrument relating to real property, are synonyms and shall be deemed to mean the same thing, and unless otherwise qualified, to include lands, tenements and hereditaments; and the word "appurtenances" unless otherwise qualified shall mean all improvements and every right of whatever character pertaining to the premises described.

R.L.1910, § 1153.

§16-15. Necessity of acknowledgment and recording - Condition for judgment lien to be binding against third persons.

Except as hereinafter provided, no acknowledgment or recording shall be necessary to the validity of any deed, mortgage, or contract relating to real estate as between the parties thereto; but no deed, mortgage, contract, bond, lease, or other instrument relating to real estate other than a lease for a period not exceeding one (1) year and accompanied by actual possession, shall be valid as against third persons unless acknowledged and recorded as herein provided. No judgment lien shall be binding against third

persons unless the judgment lienholder has filed his judgment in the office of the county clerk as provided by and in accordance with Section 706 of Title 12 of the Oklahoma Statutes.

R.L. 1910, § 1154; Laws 1992, c. 119, § 1, eff. Sept. 1, 1992; Laws 1993, c. 351, § 6, eff. Sept. 1, 1993.

§16-16. Instruments filed for record as constructive notice.

Every conveyance of real property acknowledged or approved, certified and recorded as prescribed by law from the time it is filed with the register of deeds for record is constructive notice of the contents thereof to subsequent purchasers, mortgagees, encumbrancers or creditors.

R.L.1910, § 1155.

§16-16.1. Filing of special improvement district assessment in office of county clerk.

Within thirty (30) days after the effective date of this act or after the formation of a new special improvement, protection, or conservancy district, the clerks and secretaries of all such districts shall record in the office of the county clerk of the county in which any part of the district is located a certified copy of the ordinance, resolution, or order of the court creating the district, and a plat of all parcels or tracts of land included in said district. If thereafter the boundaries of the district are enlarged or diminished by the creating authority, the clerk shall record a certified copy of the ordinance, resolution, or order of the court so enacted in the office of the county clerk within thirty (30) days after said enactment. The county clerk shall record the plat of the special district at such fees as provided by law for recording plats, and indicate the land affected on the numerical index. Liens for assessments levied thereafter by any such district shall not attach to the lands within the district until such ordinance, resolution, or order of the court is recorded. Provided that nothing herein shall be construed as affecting any liens or assessments existing prior to the effective date of this act.

Added by Laws 1980, c. 255, § 1, eff. Oct. 1, 1980.

§16-17. After-acquired title.

All rights of a mortgagor or grantor in and to the premises described in the instrument and existing at the time or subsequently accruing, shall accrue to the benefit of the mortgagee or grantee, and be covered by his mortgage or conveyed by his deed, as the case may be.

R.L.1910, § 1160.

§16-18. Quitclaim conveys what.

A quitclaim deed, made in substantial compliance with the provisions of this chapter, shall convey all the right, title and interest of the maker thereof in and to the premises therein described.

R.L.1910, § 1161.

§16-19. Warranty deed conveys what - Implied terms.

A warranty deed made in substantial compliance with the provisions of this chapter, shall convey to the grantee, his heirs or assigns, the whole interest of the grantor in the premises described, and shall be deemed a covenant on the part of the grantor, that at the time of making the deed he is legally seized of an indefeasible estate in fee simple of the premises and has good right and full power to convey the same; that the same is clear of all encumbrances and liens, and that he warrants to the grantee, his heirs and assigns, the quiet and peaceable possession thereof, and will defend the title thereto against all persons who may lawfully claim the same, and the covenants and warranty shall be obligatory and binding upon any such grantor, his heirs and personal representatives as if written at length in such deed.

R.L.1910, § 1162.

§16-20. Power of attorney - Execution - Recording.

A power of attorney in fact for the conveyance of real estate or any interest therein, or for the execution or release of any mortgage therefor, shall be executed, acknowledged and recorded in the manner required by this chapter for the execution, acknowledgment and recording of deeds and mortgages, and shall be recorded in the county where the land is situated, and no deed, mortgage or release of a mortgage executed by an attorney in fact shall be received for record or recorded until the power under which the same is executed has been duly filed for record in the same office; and the recording of any deed, mortgage or release of mortgage shall be of no effect for any purpose until the power under which it is executed has been duly filed for record in the same office. Provided that any power of attorney promulgated by any agency of the Government of the United States shall be deemed sufficiently recorded for purposes of this section if the promulgation thereof shall have been published in the Federal Registry of the Government of the United States and any instrument executed pursuant to said power of attorney recites the specific reference to said publication.

R.L.1910, § 1163; Laws 1977, c. 69, § 1, emerg. eff. May 23, 1977.

§16-21. Revocation of power of attorney.

No instrument containing a power of attorney for the conveyance, mortgage, or lease of any estate or interest in real property which

has been recorded, is to be deemed revoked as to third parties by any act of the person by whom it was executed, unless the instrument containing such revocation is also recorded in the same office in which the instrument containing the power of attorney was recorded. R.L.1910, § 1164.

§16-22. Judgment for recovery of land - When effective against grantors.

In all cases where there is a recovery of land or any interest therein, adverse to any warranty deed thereto, the judgment by which such recovery is had shall not be effective, or become the basis of an action, against previous grantors, other than those who are parties thereto, or have been notified in writing of the pendency thereof twenty (20) days before such judgment is entered. R.L.1910, § 1165.

§16-23. Notice of suit to grantor.

In all cases where an action is brought against a grantee to recover real estate conveyed to him by warranty deed he must notify the grantor, or person bound by the warranty, that such suit has been brought, at least twenty (20) days before the day of trial, which notice shall be in writing and shall request such grantor or other person to defend against such action; and in case of failure to give such notice there shall be no further liability upon such warranty, except when it is clearly shown that it was impossible to make service of such notice. R.L.1910, § 1166.

§16-24. Defense by warrantor - Recovery by warrantee.

Where any grantor appears in any action to defend his warranty or fails to appear after due notice, the court shall determine all the rights of all the parties, and in case the recovery is adverse to the warranty, the warrantee shall recover of the warrantor the price of the land paid for the conveyance at the time of the warranty, the value of all improvements lost, if any, and all sums necessarily expended, including a reasonable attorney fee, and interest at the rate of ten percent (10%) per annum on all sums so paid from the time of payment. R.L.1910, § 1167.

§16-25. Failure to defend - Recovery.

If a warrantor or other person bound by a warranty shall fail to appear and defend after due notice as above provided the warrantee may defend the action and recover in a separate suit all sums expended the same as he might do in the same suit, as provided in this act. R.L.1910, § 1168.

§16-26. Acknowledgment before recording.

No deed, mortgage or other instrument affecting the real estate shall be received for record or recorded unless executed and acknowledged in substantial compliance with this chapter; and the recording of any such instrument not so executed and acknowledged shall not be effective for any purpose.
R.L.1910, § 1169.

§16-27a. Instruments recorded for five (5) years valid notwithstanding defects - Evidence.

A. When any instrument shall have been recorded in the office of the county clerk in the proper county for the period of five (5) years, and the instrument contains any of the following defects:

1. It has not been signed by the proper representative of a legal entity;

2. The representative is not authorized to execute the instrument on behalf of the legal entity;

3. A power of attorney has not been filed of record for an attorney in fact executing the instrument;

4. The seal of the legal entity has not been impressed on such instrument or the record does not show such seal;

5. The instrument is not acknowledged;

6. A deed or conveyance does not bear endorsement of approval by the appropriate governmental planning authority having jurisdiction; or

7. Any defect in the execution, acknowledgment, recording or certificate of recording the same, such instrument shall, from and after the expiration of five (5) years from the filing thereof for record, be valid as though such instrument had, in the first instance, been in all respects duly executed, acknowledged, approved by the appropriate planning authority having jurisdiction, and certified. Such instrument or the record thereof or a duly-authenticated copy thereof shall be competent evidence without requiring the original to be produced or accounted for to the same extent that written instruments, duly executed and acknowledged, or the record thereof, are competent. However, nothing herein contained shall be construed to affect any rights acquired by grantees, assignees or encumbrancers subsequent to the filing of such instrument for record and prior to the expiration of five (5) years from the filing of such instrument for record.

B. This section shall apply to instruments recorded before or after November 1, 1995. However, with respect to those recorded before such date, the five-year period specified above shall not expire until one (1) year after the effective date of this act.

Added by Laws 1941, p. 56, § 1. Amended by Laws 1947, p. 81, § 1; Laws 1988, c. 168, § 1, eff. Nov. 1, 1988; Laws 1995, c. 232, § 3, eff. Nov. 1, 1995.

§16-28. Instruments to be printed or handwritten in English - Electronic filing.

A. No instrument affecting the title to real estate shall be filed for record or recorded unless plainly printed, typed, or handwritten or partly printed, partly typed, or partly handwritten, and the instrument is an original or a certified copy of an original instrument, clearly legible in the English language.

B. The provisions of subsection A of this section shall not prevent the filing of documents electronically pursuant to the Uniform Real Property Electronic Recording Act.

R.L. 1910, § 1171. Amended by Laws 1996, c. 195, § 2, eff. Nov. 1, 1996; Laws 1997, c. 1, § 1, emerg. eff. Feb. 18, 1997; Laws 1997, c. 233, § 1, eff. July 1, 1997; Laws 2008, c. 295, § 8, eff. Nov. 1, 2008.

§16-29. Fee simple - Exception.

Every estate in land which shall be granted, conveyed or demised by deed or will shall be deemed an estate in fee simple and of inheritance, unless limited by express words.

R.L.1910, § 1175.

§16-30. Will recorded.

Any will, devising real estate or any interest therein, or a copy thereof, together with a copy of the probate thereof, all duly certified by the county judge, may be filed and recorded in the office of the register of deeds, with like effect as a deed duly executed and acknowledged.

R.L.1910, § 1176.

§16-31. Judgment recorded.

Any judgment or decree of a court of competent jurisdiction finding and adjudging the rights of any party to real estate or any interest therein, duly certified, may be filed for record and recorded in the office of the register of deeds, with like effect as a deed duly executed and acknowledged.

R.L.1910, § 1177.

§16-32. Minor may hold real estate - Estates to commence in future.

A minor may take and hold title to real estate, and an estate of freehold or inheritance may be made to commence in the future by express provisions of the deed, and without at the same time creating any intervening estate.

R.L.1910, § 1178.

§16-33. Form of acknowledgment.

An acknowledgment by individuals of any instrument affecting real estate shall be in substantially a form as provided for in the Uniform Law on Notarial Acts or in substantially the following form: State of Oklahoma,)

) ss.

_____ County.)

Before me, _____ in and for this state, on this _____ day of _____, _____ personally appeared _____ to me known to be the identical person(s) who executed the within and foregoing instrument, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

R.L.1910, § 1179. Amended by Laws 1998, c. 189, § 1, eff. Nov. 1, 1998; Laws 1999, c. 104, § 1, emerg. eff. April 19, 1999.

§16-34. Execution by mark.

When real estate is conveyed or encumbered by an instrument in writing by a person who cannot write his or her name, the person shall execute the same by a mark, and the person's name shall be written near the mark by one of two persons who saw the mark made, who shall write their names on the instrument as witnesses. In case the instrument is acknowledged, then the officer taking the acknowledgment shall, in addition to the other necessary recitals in the acknowledgment, state that the grantor executed the instrument, by inserting in the form of acknowledgment provided in Section 33 of this title by individuals after the words "foregoing instrument" the words "by the person's mark, in my presence and in the presence of _____ and _____ as witnesses".

R.L.1910, § 1180. Amended by Laws 1999, c. 104, § 2, emerg. eff. April 19, 1999.

§16-35. Acknowledgment to be under seal - Before whom taken.

Every acknowledgment must be under seal of the officer taking the same; and when taken in this state, it may be taken before any notary public, county clerk, clerk of the district court, clerk of the county court, or county judge; and when taken elsewhere in the United States, or United States possessions, or Canada (including Newfoundland), it may be taken before any notary public, clerk of a court of record, or commissioner of deeds duly appointed by the Governor of the state for the county, state or territory where the same is taken; and when taken in any other foreign country, it may be taken before any court of record or clerk of such court, or before any Consul of the United States, provided, that acknowledgments relating to military business of the state may be taken before an officer in charge of any summary Court-Martial

appointed under the provisions of Section 157, Title 44, Oklahoma Statutes, 1941, a certified copy of whose appointment is placed of record in the office of the Secretary of State by the Adjutant General.

R.L.1910, § 1181. Amended by Laws 1913, c. 226, p. 604, § 1, emerg. eff. July 1, 1913; Laws 1935, p. 200, § 1, emerg. eff. March 23, 1935; Laws 1945, p. 41, § 1, emerg. eff. April 16, 1945.

§16-36. Legalizing acknowledgments heretofore taken.

In all cases where heretofore any county judge, register of deeds, United States commissioner, or United States court commissioner has taken acknowledgment of deeds or other conveyances of real estate in their respective counties, that the same be and are hereby legalized and made valid and binding; and such action shall have the same force and effect as if taken before some officer heretofore empowered by the statute to take acknowledgments.

R.L.1910, § 1182.

§16-37. Foreign acknowledgments legalized.

All deeds, mortgages, oil and gas leases, powers of attorney and other instruments of writing for the conveyance or encumbrance of any lands, tenements, or hereditaments situated within this state, heretofore executed and acknowledged or proved in any state, territory, District of Columbia or country in conformity with the law of such state, territory, District of Columbia or country, shall be as valid as if executed within this state in conformity with the provisions of the laws of this state. Provided this act shall not validate any acknowledgments fraudulently obtained.

Added by Laws 1929, c. 12, p. 11, § 1.

§16-37a. Foreign acknowledgments validated.

All deeds, mortgages, releases, oil and gas leases, powers of attorney and other instruments of writing for the conveyance or encumbrance of any lands, tenements, or hereditaments situated within this state, heretofore executed and acknowledged or proved in any state, territory, District of Columbia or foreign country in conformity with the law of such state, territory, District of Columbia or foreign country, shall be as valid as to execution and acknowledgment thereof, only, as if executed and acknowledged within this state in conformity with the provisions of the laws of this state. Provided this act shall not validate any execution or acknowledgment fraudulently obtained.

Laws 1941, p. 56, § 1.

§16-37b. Foreign execution and acknowledgments validated -
Exceptions.

All deeds, mortgages, releases, oil and gas leases, powers of attorney and other instruments of writing for the conveyance or encumbrance of any lands, tenements or hereditaments situated within this state, now of record or hereafter recorded which are executed and acknowledged or proved in any state, territory, District of Columbia or foreign country, in conformity with the law of such state, territory, District of Columbia or foreign country, or in conformity with the Federal Statutes, shall be as valid as to execution and acknowledgment thereof, only, as if executed and acknowledged within this state in conformity with the provisions of the laws of this state. Provided this act shall not validate any deed, mortgage, releases, oil and gas leases, powers of attorney, and other instruments of writing for the conveyance of any lands, tenements, or hereditaments, the validity of which is in litigation upon the effective date of this act. Provided this act shall not validate any execution or acknowledgment fraudulently obtained. Laws 1949, p. 112, § 1; Laws 1963, c. 74, § 1, emerg. eff. May 21, 1963.

§16-38. Acknowledgments before deputy clerk of district court validated.

In all cases where heretofore any deputy clerk of the district court has taken acknowledgments of deeds, or other conveyances of real estate, in their respective counties, the same are hereby legalized and made binding, and such action shall have the same force and effect as if taken before some officer heretofore empowered by the statute to take acknowledgments.

Laws 1915, c. 270, § 1.

§16-39. Justice of the Peace - Acknowledgments validated.

In all cases where, prior to May 16th, 1913, any Justice of the Peace has taken acknowledgments of deeds or other conveyances of real estate affecting and relating to real estate located in a county or counties other than the county in which such Justice of the Peace resided, such acknowledgments are hereby legalized and made binding, and such acknowledgments shall have the same force and effect as if taken before some Justice of the Peace, a resident of the county in which the land sought to be deeded or conveyed was situated.

Laws 1923, c. 153, p. 253, § 1.

§16-39a. Record of deeds, mortgages, etc., where acknowledgment defective - Validation.

All deeds, mortgages, conveyances, or other instruments affecting the title to real property in the state, the acknowledgment of which was taken and certificate of acknowledgment executed by a Justice of the Peace of the county wherein such real

property is situated, and/or where any notarial acknowledgment was taken before a notary public of any county in this state or of any other state where the certificate of acknowledgment is defective in form, and where any such instrument has actually been filed and recorded or copied into the permanent volumes of public title records in the office of the county clerk of the county in which said property is situated for a period of five or more years and has not been canceled of record, the recording of any such instrument is and shall be and become a valid public record in all respects and for all purposes as fully as if the same had been originally acknowledged before and certificate executed by an authorized officer and in the manner and form required by law at the time of the execution thereof.

Laws 1937, p. 313, § 1.

§16-40. Form of warranty deed.

A warranty deed to real estate may be substantially in the following form, towit:

Know all men by these Presents:

That ___ part ___ of the first part, in consideration of the sum of ___ dollars, in hand paid, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto ___ the following described real property and premises, situate in ___ County, State of Oklahoma, to-wit: ___ together with all the improvements thereon and the appurtenances thereunto belonging, and warrant the title to the same.

To have and to hold said described premises unto the said part ___ of the second part, ___ heirs and assigns forever, free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature;

Signed and delivered this ___ day of ___ 191_.

R.L.1910, § 1184.

§16-41. Form of quitclaim deed.

A quitclaim deed to real estate may be substantially the same as a warranty deed, with the word "quitclaim" inserted in connection with the words "do hereby grant, bargain, sell and convey," as follows: "Do hereby quitclaim, grant, bargain, sell and convey," and by omitting the words, "and warrant the title to the same."

R.L.1910, § 1185. 8

§16-42. Form of sheriff's deed.

That from and after the passage of this act, a sheriff's deed issued upon the sale of real estate sold by virtue of an execution, judgment or decree of foreclosure of mortgage, or partition of real estate, may be in the following form, towit:

Whereas ___ did, at the ___ term of the ___ court of ___ County, State of Oklahoma, on the ___ day of ___, A.D. 19__ in an action in said court, wherein ___ was plaintiff and ___ was defendant, same being cause NO ___, recover a judgment (or decree) against ___ for the sum of ___, and costs of suit, upon which an execution or order of sale was issued, dated the ___ day of ___ A.D. 19__ directed to ___, to execute, by virtue of which the said ___ levied upon the premises hereinafter described, and the time and place of sale thereof having been duly advertised according to law, the same were struck off and sold to ___ he being the highest and best bidder therefor, and the later said sale was duly confirmed by the District Court and deed ordered to issue.

Now, Therefore, Know All Men By These Presents, that I, ___ Sheriff, of the County of ___, State of Oklahoma, in consideration of the premises, do hereby convey to the said ___, his heirs and assigns, the following described lot or parcel of land (here describe the premises).

To Have and To Hold The Same with all the appurtenances thereto belonging to the said ___ his heirs and assigns, forever.

Witness my hand and seal, this ___ day of ___ 19__.

Sheriff.

State of Oklahoma
___ County ss.

Be it remembered that on this ___ day of ___ in the year one thousand nine hundred and ___, before me, ___, a notary public, personally appeared ___, Sheriff of ___ County, Oklahoma, well known to me to be the same person who is described in and who executed the within and foregoing instrument, and acknowledged to me that he executed the same as sheriff of ___ County, Oklahoma, and as his free and voluntary act and deed, for the uses and purposes therein set forth.

In witness whereof, I have hereunto set my hand and official seal, at said county, the day and year last above written.

Notary Public, State of
Oklahoma, _____.
Oklahoma.

My Commission expires _____.

Said deed may be issued in this form and no further recitals therein are necessary.

Laws 1941, p. 56, § 1.

§16-43. Recording of instruments and judgments affecting real estate situated in more than one county.

When any instrument or judgment, affecting the title to or possession of real property, situated in more than one county in

this state, has been filed for record in either of such counties, a copy thereof, certified to by the county clerk of the county in which it has been filed for record, may be recorded in any other county in this state wherein any portion of the real property affected by such instrument or judgment is situated, and such records will have the same effect as if the original instrument or judgment had been so recorded.
Laws 1971, c. 80, § 1.

§16-51. Repealed by Laws 1994, c. 238, § 6, eff. Sept. 1, 1994.

§16-52. Repealed by Laws 1994, c. 238, § 6, eff. Sept. 1, 1994.

§16-53. Recorded signed documents - Rebuttable presumptions.

EVIDENTIARY EFFECT OF RECORDED DOCUMENT

A. A recorded signed document relating to title to real estate creates a rebuttable presumption with respect to the title that:

1. The document is genuine and was executed as the voluntary act of the person purporting to execute it;

2. The person executing the document and the person on whose behalf it is executed are the persons they are purported to be and the person executing it was neither incompetent nor a minor at any relevant time;

3. Delivery occurred notwithstanding a lapse of time between dates on the document and the date of recording;

4. Any necessary consideration was given;

5. The grantee, transferee, or beneficiary of an interest created or claimed by the document acted in good faith at all relevant times up to and including the time of the recording;

6. A person purporting to act as an attorney-in-fact pursuant to a recorded power of attorney held the position he purported to hold and acted within the scope of his authority. It shall also be presumed that the principal was alive and was neither incompetent nor a minor at any relevant time;

7. A person purporting to act as:

a. one of the officers listed in Section 93 of Title 16 of the Oklahoma Statutes on behalf of a corporation,

b. a partner of a general partnership,

c. a general partner of a limited partnership,

d. a manager of a limited liability company,

e. a trustee of a trust,

f. any officer or member of the board of trustees of a religious corporation,

g. a court-appointed trustee, receiver, personal representative, guardian, conservator, or other fiduciary, or

h. an officer or member of any other entity,

held the position he purported to hold, acted within the scope of his authority (unless limitations of authority were previously filed of record and indexed against the property in question), and the authorization satisfied all requirements of law;

8. All entities that are parties to the document are in good standing in their jurisdiction of organization;

9. If the document purports to be executed pursuant to or to be a final determination in a judicial or administrative proceeding, or to be executed pursuant to a power of eminent domain, the court, official body, or condemnor was acting within its jurisdiction and all steps required for the execution of the title document were taken;

10. Recitals and other statements of fact in a conveyance are true if the matter stated was relevant to the purpose of the document;

11. Persons named in, signing, or acknowledging the document and persons named in, signing, or acknowledging another related document in a chain of title are identical, if the persons appear in those conveyances under identical names, or under variants thereof, including inclusion, exclusion, or use of:

- a. commonly recognized abbreviations, contractions, initials, or colloquial or other equivalents,
- b. first or middle names or initials,
- c. simple transpositions that produce substantially similar pronunciations,
- d. articles or prepositions in names or titles,
- e. descriptions of entities as corporations, companies or abbreviations or contractions of either, or
- f. name suffixes, such as Senior or Junior, unless other information appears of record indicating that they are different persons; and

12. All other requirements for its execution, delivery, and validity have been satisfied.

B. The presumptions stated in subsection A of this section arise even if the document purports only to release a claim or convey any right, title, or interest of the person executing it or the person on whose behalf it is executed.

C. If presumptions created by subsection A of this section are inconsistent, the presumption applies that is founded upon weightier considerations of policy. If considerations of policy are of equal weight, neither presumption applies.

Added by Laws 1994, c. 238, § 2, eff. Sept. 1, 1994.

§16-54. Discriminatory restrictive covenants – Filing declaration for removal.

A person who owns real property or an interest in real property for which the title includes a recorded conveyance instrument

containing an illegal discriminatory restrictive covenant pursuant to the Fair Housing Act, 42 U.S.C., Section 3601 et seq., or another person with the written and notarized permission of the owner, may declare that the discriminatory restrictive covenant is illegal and unenforceable and should be removed. The declaration shall be filed with the clerk of the county where the property is located.

An illegal discriminatory restrictive covenant is not enforceable in this state, and all discriminatory restrictive covenants contained in any real estate conveyance or instrument recorded in this state are unlawful, are unenforceable, and are declared null and void. Any discriminatory restrictive covenant contained in a previously recorded real estate conveyance or instrument is extinguished and severed from the recorded real estate conveyance or instrument and the remainder of the title transaction remains enforceable and effective.

Added by Laws 2023, c. 267, § 1, eff. Nov. 1, 2023.

§16-55. Recording declaration to remove discriminatory restrictive covenants – Form.

All discriminatory restrictive covenants prohibited by Section 1 of this act may be declared illegal and unenforceable and considered removed from the instrument by the owner of real property subject to such restrictive covenants by recording a declaration to remove the discriminatory restrictive covenants. The real property owner may record such declaration:

1. Prior to recordation of a deed conveying real property to a purchaser; or

2. When such real property owner discovers that such discriminatory restrictive covenants exist.

Such declaration may be prepared without assistance of an attorney, but such declaration to remove the discriminatory restrictive covenants shall conform substantially to the following form:

DECLARATION TO REMOVE DISCRIMINATORY RESTRICTIVE COVENANTS

County where property is located: _____

Date of Instrument containing discriminatory restrictive covenants(s): _____

Instrument Type: _____

Instrument recorded in Book _____ Page _____

Name(s) of Grantor(s): _____

Name(s) of Current Owner(s): _____

Real Property Description: _____

The discriminatory restrictive covenants contained in the above-mentioned instrument are declared to be illegal and unlawful and shall be considered removed from the instrument to the extent that it contains terms purporting to restrict the ownership or use of the property as prohibited by Section 1 of this act.

or (4) that such conveyance was never delivered; Provided, however, this section shall not apply as against such person claiming adversely to any such conveyance for any of the foregoing reasons if prior to such purchase, or within one (1) year from October 27, 1961, the effective date of Sections 61 through 66 of this title, or from the effective date of Section 62, as amended, of this title, whichever later occurs, such person shall have filed of record in the county wherein the land is located a notice setting forth his claim and the basis thereof; and provided, further, that this section shall not apply as against any person in possession of the land either by occupancy or by occupancy of a tenant at the time such purchaser acquires his interest.

(b) Any purchaser for value acquiring an interest in real estate from one who claims such interest, immediately or remotely, by or through a conveyance from one purporting therein to be a guardian, executor, or administrator, which conveyance has been of record for ten (10) or more years in the county wherein said land is located prior to such purchase, and which conveyance either has the approval of the court endorsed upon it, or has been confirmed by an order of the court, shall acquire a valid and marketable title to such interest to the full extent that such conveyance purports to convey the same as against any of the following persons: (1) any ward or wards named in said conveyance, his or their heirs, devisees, representatives, successors, or assigns, (2) the State of Oklahoma or any other person claiming under the estate of any decedent named in said conveyance, the heirs, devisees, or representatives of such decedent, their successors, or assigns, or any creditors of said decedent; Provided, however, that this section shall not apply to any person mentioned in (1) or (2) above who for any reason claims adversely to such conveyance, or contends that such conveyance did not divest him of his interest as purported by such conveyance if prior to such purchase, or within one (1) year from October 27, 1961, the effective date of Sections 61 through 66 of this title, or from the effective date of Section 62, as amended, of this title, whichever is the later, such person shall file of record in the county wherein the land is located a notice setting forth his claim and the basis thereof; Provided, further, this section shall not apply as against any person in possession of the land, by occupancy or by occupancy of a tenant, at the time such purchaser acquires his interest.

(c) Any purchaser for value acquiring an interest in real estate from one who claims such interest, immediately or remotely, by or through (1) any decree of distribution or of partition in a decedent's estate entered by and of record in a court of the county wherein the land is located for a period of ten (10) years prior to such purchase, or (2) any such decree entered by a court for any county in this state which decree has been of record in the county

wherein the decree was entered or in the deed records of any county or counties in which any part of the land or lands is located for a period of ten (10) years prior to such purchase, shall acquire a valid and marketable title to such interest as against any claim or interest of the estate of said decedent or any heir or devisee, his successors or assigns, of said decedent or any creditors of said decedent; Provided, however, this section shall not apply if prior to such purchase, or within one (1) year from October 27, 1961, the effective date of Sections 61 through 66 of this title, or from the effective date of Section 62, as amended, of this title, whichever later occurs, such heirs, devisee, or representative of such estate files of record in the county wherein the land is located a notice setting forth the nature of his claim; Provided, further, this section shall not apply as against any person claiming adversely to such decree who is in possession of the land by occupancy or by occupancy of a tenant, at the time said purchaser acquires his interest.

(d) Any purchaser for value acquiring an interest in real estate from one who claims such interest, immediately or remotely, by or through any of the following muniments: (1) a sheriff's or marshal's deed executed pursuant to an order of a court having jurisdiction over the land affected confirming a judicial sale or directing the issuance of such deed, (2) any final judgment of a court having jurisdiction over the land affected determining and adjudicating the ownership of such land or any interest therein or partitioning same, (3) any conveyance by a receiver executed pursuant to an order of any court having jurisdiction and directing issuance thereof or directing a sale of such land or any interest therein, (4) any conveyance executed by a trustee or purported trustee referring to a trust agreement or referring to named beneficiaries or otherwise indicating the existence of an express trust where the trust agreement has not been recorded in the county where the land is situated, (5) a purported certificate tax deed or resale tax deed executed by the county treasurer of the county wherein the land is located; which muniment, if a conveyance has been of record in the county wherein the land is situated for a period of ten (10) years prior to such purchase, or, if a judgment has been entered for a period of ten (10) years prior to such purchase and, where such judgment is entered by a court outside the county where the land affected is located, has been recorded in the records of the court clerk or county clerk of the county in which such land is located, shall acquire a valid and marketable title to such interest as against the claims of the following: (A) any person or the heirs, devisees, personal representatives, successors or assigns of such person who was named as a defendant in the judgment preceding the sheriff's or marshal's deed referred to in subparagraph (1) above and whose rights or claims were not preserved

by the terms of such judgment and who claims an interest by reason of any defect, jurisdictional or otherwise, in the proceedings resulting in such judgment, (B) any person or the heirs, devisees, personal representatives, successors or assigns of such person who was named as a defendant in the judgment referred to under subparagraph (2) above and whose rights or claims were not preserved by the terms of such judgment and who claims an interest by reason of any defect, jurisdictional or otherwise, in the proceedings resulting in such judgment, (C) any person or the heirs, devisees, personal representatives, successors or assigns of such person who was named as a defendant or owner or party in interest in the proceedings referred to in subparagraph (3) above, (D) any person or the heirs, devisees, personal representatives, successors or assigns of such person who claims as a settlor, trustee or beneficiary or by, through or under such settlor, trustee or beneficiary of the trust referred to in subparagraph (4) above, (E) any and all owners or claimants of such land or interest therein whose ownership or claim originated prior to such deeds as are referred to in subparagraph (5) above and the heirs, devisees, personal representatives, successors or assigns of such owners or claimants; Provided, however, this section shall not apply as against any such person claiming adversely to such muniments set forth hereinabove if prior to such purchase, or within one (1) year from October 27, 1961, the effective date of Sections 61 through 66 of this title, or from the effective date of Section 62, as amended, of this title, whichever later occurs, such person shall have filed of record in the records of the county wherein the land is located a notice setting forth his claim and the basis thereof; Provided, further, that this section shall not apply against any person claiming adversely to such muniment who is in possession of the land by occupancy or by occupancy of a tenant at the time said purchaser for value acquires his interest. The State of Oklahoma and its political subdivisions or a public service corporation or transmission company which has facilities of service installed on, over, across or under any part of the land shall, to that extent, be deemed to be in possession thereof for purposes of the foregoing provision.

Laws 1961, p. 192, § 2; Laws 1973, c. 184, § 1, operative Oct. 1, 1973.

§16-63. Notice of claim.

(a) The notice of claim required to be filed in Section 2 hereof shall contain an accurate and full description of all land affected by such notice, which description shall be set forth in particular terms and not by general inclusions; but, if said claim is founded upon a recorded instrument, then the description in such notice may be the same as that contained in such recorded instrument. The

notice shall set forth clearly the basis for and the extent or nature of the claimant's alleged interest, and be signed, acknowledged and filed for record in the county clerk's office of the county or counties where the land described therein is situated. The county clerk of each county shall accept all such notices presented to him which describe land located in the county in which he serves, and shall enter, record, and index the same in the same way that deeds are recorded, and each county clerk shall be entitled to charge the same fees for the recording thereof as are charged for recording deeds. In indexing such notices in his office, each county clerk shall enter such notices in the index of deeds and in the numerical index of deeds. The names of the claimants appearing in such notices are to be entered as grantees in such indexes. (b) Recording of such notice after a purchase for value has been effected shall not impair the rights of the purchaser for value or the rights of the heirs, successors and assigns of such purchaser. (c) If any person required under this act to file a notice to protect his rights as against a purchaser for value is a minor or incompetent or unborn contingent remainderman, such notice may be filed by his guardian, person having custody of him, his next friend or any person interested in his estate or any person who represents him as attorney, agent, or in another capacity. Minority, incompetency or other disability shall not suspend the operation of this act.

Laws 1961, p. 193, § 3.

§16-66. Purpose.

The Legislature deems that the needs of the society of this state require that persons claiming interests in real estate contrary to the apparent title as shown by the county records and decrees and judgments of the county courts and courts of general jurisdiction come forward and make public their claims and the basis thereof by filing of record a notice of such claim. This act shall be liberally construed to effect the legislative purpose of simplifying real estate transactions by permitting purchasers to rely upon the status of title as reflected by the county records and by the decrees and judgments of the aforementioned courts.

Laws 1961, p. 194, § 7.

§16-67. Claim and purchase of severed mineral interest through recorded affidavit of death and heirship.

A. After the date of death of a person who was an owner of a severed mineral interest in real estate, a person who claims such interest, immediately or remotely, through an affidavit of death and heirship recorded pursuant to Sections 82 and 83 of this title, shall acquire a valid and marketable title to such interest as

against any person claiming adversely to such recorded affidavit on the conditions set forth in subsection C of this section.

B. Any purchaser for value acquiring a severed mineral interest in real estate from a person who claims such interest, immediately or remotely, through a recorded affidavit of death and heirship or a recital of death and heirship in a recorded title transaction, as that term is defined in Section 78 of Title 16 of the Oklahoma Statutes, shall acquire a valid and marketable title to such interest as against any person claiming adversely to such recorded affidavit or recital on the conditions set forth in subsection C of this section.

C. In order to establish marketable title pursuant to this section:

1. The affidavit or recital must state that the decedent died without a will, or if the decedent had a will, that the will was never probated in Oklahoma and a copy of the will is attached to the affidavit or recital, or if the will was probated that the severed mineral interest was omitted from the final decree of the decedent and a copy of the will and final decree is attached to the affidavit or recital;

2. The affidavit or recital must list the names of the decedent's heirs and their relationship to the decedent;

3. The affidavit or recital must state that the maker is related to the decedent or otherwise has personal knowledge of the facts stated therein;

4. The affidavit or the title transaction that contains the recital must have been recorded for at least ten (10) years in the office of the county clerk in the county in which the real property is located; and

5. During the ten-year period following the recording of the affidavit or the title transaction that contains the recital, no instrument inconsistent with the heirship alleged in the affidavit or recital was filed in the office of the county clerk in the county in which the real property is located.

This section shall apply to affidavits recorded before November 1, 1999, as well as to those recorded thereafter, except that, with respect to those recorded before such date, the ten-year period specified above shall not expire until one (1) year after November 1, 1999. This section shall not apply as against any person in possession of the land, by occupancy or by occupancy of a tenant, at the time such purchaser acquires an interest in such land.

Added by Laws 1999, c. 84, § 2, eff. Nov. 1, 1999. Amended by Laws 2010, c. 223, § 1, emerg. eff. May 10, 2010.

§16-68. Abolition of doctrine of constructive possession.

The doctrine of constructive possession is abolished only insofar as it applies to the Simplification of Land Titles Act,

Section 61 et seq. of Title 16 of the Oklahoma Statutes. Any claims based upon constructive possession before the effective date of this act shall be extinguished unless a notice of the claim is filed with the county clerk of the county where the land or interest is located within one (1) year from the effective date of this act. The notice of the claim shall set forth basis thereof and specifically refer to this section.

Added by Laws 1999, c. 84, § 3, eff. Nov. 1, 1999.

§16-71. Marketable record title defined.

Any person having the legal capacity to own land in this state, who has an unbroken chain of title of record to any interest in land for thirty (30) years or more, shall be deemed to have a marketable record title to such interest as defined in Section 78 of this title, subject only to the matters stated in Section 72 of this title. A person shall be deemed to have such an unbroken chain of title when the official public records disclose a conveyance or other title transaction, of record not less than thirty (30) years at the time the marketability is to be determined, which said conveyance or other title transaction purports to create such interest, either in

(a) the person claiming such interest, or

(b) some other person from whom, by one or more conveyances or other title transactions of record, such purported interest has become vested in the person claiming such interest; with nothing appearing of record, in either case, purporting to divest such claimant of such purported interest.

Laws 1963, c. 31, § 1; Laws 1970, c. 92, § 1, eff. July 1, 1972.

§16-72. Title subject to certain interests and defects.

Such marketable record title shall be subject to:

(a) All interests and defects which are inherent in the muniments of which such chain of record title is formed; provided, however, that a general reference in such muniments, or any of them, to interests created prior to the root of title shall not be sufficient to preserve them, unless specific identification be made therein of a recorded title transaction which creates such interest.

(b) All interests preserved by the filing of proper notice or by possession by the same owner continuously for a period of thirty (30) years or more, in accordance with Section 74 of this title.

(c) The rights of any person arising from a period of adverse possession or user, which was in whole or in part subsequent to the effective date of the root of title.

(d) Any interest relating to a title transaction which has been recorded subsequent to the effective date of the root of title from which the unbroken chain of title of record is started; provided, however, that such recording shall not revive or give validity to

any interest which has been extinguished prior to the time of the recording by the operation of Section 73 of this title.

(e) The exceptions stated in Section 76 of this title as to rights of reversioners in leases, as to severed mineral or royalty interests, as to easements and interests in the nature of easements, and rights granted, reserved or excepted by instruments creating such easements or interests, or restrictions or agreements which are part of a subdivision development plan, and as to interests of the United States.

Added by Laws 1963, c. 31, § 2. Amended by Laws 1970, c. 92, § 2, eff. July 1, 1972.

§16-73. Claims prior to date of root title as null and void.

Subject to matters stated in Section 2 hereof, such marketable record title shall be held by its owner and shall be taken by any person dealing with the land free and clear of all interests, claims or charges whatsoever, the existence of which depends upon any act, transaction, event or omission that occurred prior to the effective date of the root of title. All such interests, claims or charges, however denominated, whether legal or equitable, present or future, whether such interests, claims or charges are asserted by a person sui juris or under a disability, whether such person is within or without the state, whether such person is natural or corporate, or is private or governmental, are hereby declared to be null and void. Added by Laws 1963, c. 31, § 3.

§16-74. Filing of notice of claim - Disability or lack of knowledge - Thirty-year possession as deemed equivalent to filing notice.

(a) Any person claiming an interest in land may preserve and keep effective such interest by filing for record during the thirty-year period immediately following the effective date of the root of title of the person whose record title would otherwise be marketable, a notice in writing, duly verified by oath, setting forth the nature of the claim. No disability or lack of knowledge of any kind on the part of anyone shall suspend the running of said thirty-year period. Such notice may be filed for record by the claimant or by any other person acting on behalf of any claimant who is

(1) under a disability,

(2) unable to assert a claim on his own behalf, or

(3) one of a class, but whose identity cannot be established or is uncertain at the time of filing such notice of claim for record.

(b) If the same record owner of any possessory interest in land has been in possession of such land continuously for a period of thirty (30) years or more, during which period no title transaction with respect to such interest appears of record in his chain of title, and no notice has been filed by him or on his behalf as

provided in subsection (a), and such possession continues to the time when marketability is being determined, such period of possession shall be deemed equivalent to the filing of the notice immediately preceding the termination of the thirty-year period described in subsection (a).

Added by Laws 1963, c. 31, § 4. Amended by Laws 1970, c. 92, § 3, eff. July 1, 1972.

§16-75. Contents and recording of notice - Sham legal process.

A. To be effective and to be entitled to be recorded, the notice of claim of interest in land, referred to in Section 74 of this title, shall contain an accurate and full description of all land affected by such notice which description shall be set forth in particular terms and not by general inclusions; but if said claim is founded upon a recorded instrument, then the description in such notice may be the same as that contained in such recorded instrument. Such notice shall be filed for record in the county clerk's office of the county or counties where the land described therein is situated. Except as provided in subsection B of this section, the county clerk of each county shall accept all such notices presented to him which describe land located in the county in which he serves and shall enter, record and index the same in the same way that deeds are recorded and each county clerk shall be entitled to charge the same fees for the recording thereof as are charged for recording deeds. In indexing such notices in his office, each county clerk shall enter such notices in the index of deeds and in the numerical index. The names of the claimants appearing in such notices are to be entered as grantees in such indexes.

B. The county clerk may refuse to file any notice of interest in land provided for in subsection A of this section, if the clerk believes that the instrument constitutes sham legal process, as defined by Section 1533 of Title 21 of the Oklahoma Statutes, or if the clerk believes the notice is being presented for the purpose of slandering the title to land.

C. 1. Any person aggrieved by the refusal of a county clerk to file any notice provided for in subsection A of this section may petition the district court for a writ of mandamus to compel the county clerk to record the notice.

2. At the time of refusal, the person aggrieved shall file a notice of refusal with the county clerk for the purpose of preserving priority of filing in the event the person prevails in any action so commenced, if the person wishes to preserve priority of filing. The refusal notice shall be submitted on a form provided by the county clerk, but must be filled out by the aggrieved party. A copy of the instrument that the clerk refused to file must be

attached to the notice of refusal. The county clerk shall stamp the date of refusal on the notice of refusal.

3. The refusal notice shall be in the following form:

STATE OF OKLAHOMA

_____ COUNTY

NOTICE OF REFUSAL

The Office of County Clerk of _____ County, Oklahoma, has on _____ (date) refused to file a document designated _____ (title of document or brief description of document). The document constitutes a claim or lien on the following property:

(Description of property. In case of real property, description must be the legal description for the property.) A copy of the refused document must be attached to this notice of refusal or the clerk cannot accept it for filing.

Signed: _____

County Clerk

_____ County, Oklahoma

Signed: _____

Aggrieved party or attorney
for aggrieved party

Address: _____

4. The action for mandamus must be filed with the district court within twenty (20) days after the notice of refusal is filed with the county clerk. If the writ of mandamus is granted, the court clerk shall refund the fee for filing the action. Notice of the pendency of a mandamus action filed pursuant to this section shall be filed in accordance with Section 2004.2 of Title 12 of the Oklahoma Statutes. A file-stamped copy of the notice of the pendency of the action, identifying the case and the court in which the action is pending and the legal description of the land affected by the action shall be filed with the county clerk. If the court determines that the notice provided for in subsection A of this section is not sham legal process or is not for the purpose of slandering title, the court shall order the county clerk to record the notice. The court order shall include a notation of the book and page number of the index in which the notice of refusal is located and a statement that abstractors shall not show the pages on which the attachment to the notice of refusal is located in any abstract. For any notice which the court orders to be filed pursuant to this subsection, the date of filing shall be retroactive to the date the notice of refusal was filed.

5. If the court determines that the notice of claim of interest in land is sham legal process, the court shall issue an order that abstractors shall not show the pages on which the attachment to the notice of refusal is located in any abstract.

D. If a county clerk files a notice of interest in land that is sham legal process or refuses to file a notice of interest in land

because the clerk believes the notice to be sham legal process, the clerk shall be immune from liability for such action in any civil suit.

E. A clerk shall post a sign, in letters at least one (1) inch in height, that is clearly visible to the general public in or near the clerk's office stating that it is a felony to intentionally or knowingly file or attempt to file sham legal process with the clerk. Failure of the clerk to post such a sign shall not create a defense to any criminal or civil action based on sham legal process. Added by Laws 1963, c. 31, § 5. Amended by Laws 1997, c. 405, § 6, emerg. eff. June 13, 1997.

§16-76. Exceptions to application of act - Stray instruments - Root of title - Severed mineral interests.

A. Sections 71 through 80 of this title shall not be applied to bar any lessor or his successor as a reversioner of his right to possession on the expiration of any lease; or to bar or extinguish any mineral or royalty interest which has been severed from the fee simple title of the land; or to bar or extinguish any easement or interest in the nature of an easement, or any rights granted, reserved or excepted by any instrument creating such easement or interest; or use restrictions or area agreements which are part of a plan for subdivision development or to bar any right, title or interest of the United States by reason of failure to file the notice herein required.

B. As used in this section, "stray instrument" means an instrument executed by a person or entity, or a decree of distribution entered in the estate of a decedent, who or which does not otherwise appear in the chain of record title to a tract of real property. A stray instrument shall not create a root of title pursuant to Sections 71 through 80 of this title if the following conditions exist:

1. There is apparent from the record an otherwise valid, uninterrupted chain of record title traceable to an instrument which is a root of title as defined by Sections 71 through 80 of this title; and

2. A current owner of the property under the chain of title referred to in paragraph 1 of this subsection records an affidavit that alleges that the current owner or owners are in possession of the property and that the parties claiming under the stray instrument own no interest in the property. If there are multiple owners, any one or more of the owners may execute the affidavit on behalf of all owners.

C. An instrument executed by a person or entity, or a decree of distribution entered in the estate of a decedent who or which does not otherwise appear in the chain of record title to a tract of real property, except as an owner of a severed mineral interest therein,

shall not create a root of title pursuant to Sections 71 through 80 of this title.

D. As used in this section "severed mineral interest" includes mineral leasehold interests or working interests, mineral royalty interests and overriding royalty interests, and ownership of minerals without any ownership interest in the surface estate other than the rights of ingress and egress and for use of the surface for mineral development and exploration.

E. This section shall not apply to the interest of any person or entity who or which claims a valid interest under any such stray instrument as defined herein and who shall, no later than November 1, 1996, file with the county clerk of the county where the land or interest is located, a notice of such claim, setting forth the basis thereof, and specifically referring to this section.

Added by Laws 1963, c. 31, § 6. Amended by Laws 1995, c. 232, § 4, eff. Nov. 1, 1995.

§16-77. Operation of statutes of limitations or recording statutes unaffected.

Nothing contained in this act shall be construed to extend the period for the bringing of an action or for the doing of any other required act under any statutes of limitations, nor, except as herein specifically provided, to affect the operation of any statutes governing the effect of the recording or the failure to record any instrument affecting land.

Laws 1963, c. 31, § 7.

§16-78. Definitions.

(a) "Marketable record title" means a title of record as indicated in Section 71 of this title, which operates to extinguish such interests and claims, existing prior to the effective date of the root of title, as are stated in Section 73 of this title.

(b) "Records" includes probate and other official public records, as well as records in the county clerk's office.

(c) "Recording," when applied to the official public records of any office or court, includes filing.

(d) "Person dealing with land" includes a purchaser of any estate or interest therein, a mortgagee, a levying or attaching creditor, a land contract vendee, or any other person seeking to acquire an estate or interest therein, or impose a lien thereon.

(e) "Root of title" means that conveyance or other title transaction in the chain of title of a person, purporting to create the interest claimed by such person, upon which he relies as a basis for the marketability of his title, and which was the most recent to be recorded as of a date thirty (30) years prior to the time when marketability is being determined. The effective date of the "root of title" is the date on which it is recorded.

(f) "Title transaction" means any transaction affecting title to any interest in land, including title by will or descent, title by tax deed, mineral deed, lease or reservation, or by trustee's, referee's, guardian's, executor's, administrator's, master in chancery's, sheriff's or marshal's deed, or decree of any court, as well as warranty deed, quitclaim deed, or mortgage. Laws 1963, c. 31, § 8; Laws 1970, c. 92, § 4, eff. July 1, 1972.

§16-79. Penalties for filing slanderous notices of claims - Quiet title action independent of criminal action.

A. No person shall use the privilege of filing notices hereunder for the purpose of slandering the title to land and, in any action brought for the purpose of quieting title to land, if the court shall find that any person has filed a claim for that reason, he shall award the plaintiff all the costs of such action, including such attorney fees as the court may allow to the plaintiff, and, in addition, shall decree that the defendant asserting such claim shall pay to plaintiff three times the damages that plaintiff may have sustained as the result of such notice of claim having been so filed for record.

B. A quiet title action shall be independent of any criminal action that may be filed against the defendant, and there shall be no requirement that the defendant in a quiet title action be convicted of any criminal act.

Added by Laws 1963, c. 31, § 9. Amended by Laws 1997, c. 405, § 7, emerg. eff. June 13, 1997.

§16-80. Construction.

This act shall be liberally construed to effect the legislative purpose of simplifying and facilitating land title transactions by allowing persons to rely on a record chain of title as described in Section 1 of this act, subject only to such limitations as appear in Section 2 of this act.

Laws 1963, c. 31, § 10.

§16-82. Recording of affidavit - Rebuttable presumption.

An affidavit covering matters named in Section 83 of this title may be recorded in the office of the county clerk in the county in which the real property is situated. There shall be a rebuttable presumption that facts stated in a recorded affidavit are true as they relate to real estate, its use, or its ownership.

Added by Laws 1985, c. 233, § 1, eff. Nov. 1, 1985. Amended by Laws 1994, c. 238, § 3, eff. Sept. 1, 1994.

§16-83. Matters to which affidavit may relate.

The affidavit may relate to the following matters: Age, sex, birth, death, relationship, family history, heirship, names, and

identity of parties, whether individual, corporate, partnership or trust; identity of officers of corporations; membership of partnerships, joint ventures and other unincorporated associations; identity of trustees of trusts, and their respective terms of services; history of the organization of corporations, partnerships, joint ventures and trusts; marital status; possession; residence; service in the Armed Forces; and conflicts and ambiguities in descriptions of land in recorded instruments.

Added by Laws 1985, c. 233, § 2, eff. Nov. 1, 1985.

§16-84. Description of land - Recording fee - Indexing.

Every affidavit prescribed in Section 2 of this act shall include a description of the land for which the title may be affected by matters covered in the affidavit. The county clerk shall record the affidavit for such fees as provided by law and indicate the land affected on the numerical tract index in the county clerk's office.

Added by Laws 1985, c. 233, § 3, eff. Nov. 1, 1985.

§16-85. False statements - Penalties.

Any person who knowingly makes or causes to be made a false statement in an affidavit shall be guilty of perjury and be liable for actual damages suffered or incurred by any person or other entity as a result or consequence of the making of or reliance upon such false affidavit. The court may award punitive damages, costs and attorney fees.

Added by Laws 1985, c. 233, § 4, eff. Nov. 1, 1985.

§16-86.1. Short title.

SHORT TITLE. Sections 1 through 7 of this act shall be known and may be cited as the "Uniform Real Property Electronic Recording Act".

Added by Laws 2008, c. 295, § 1, eff. Nov. 1, 2008.

§16-86.2. Definitions.

DEFINITIONS. In the Uniform Real Property Electronic Recording Act:

(1) "Document" means information that is:

- (A) inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form; and
- (B) eligible to be recorded in the land records maintained by the county clerk.

(2) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(3) "Electronic document" means a document that is received by the county clerk in an electronic form.

(4) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a document and executed or adopted by a person with the intent to sign the document. "Electronic signature" includes a digital image or electronic copy of an original signature affixed to an original or certified copy of an original paper document or instrument, provided that the person submitting the digital image or electronic copy of the document or instrument complies with all other requirements, rules or regulations concerning electronic recordings under the Uniform Real Property Electronic Recording Act.

(5) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government, or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(6) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

Added by Laws 2008, c. 295, § 2, eff. Nov. 1, 2008. Amended by Laws 2012, c. 37, § 1, eff. Nov. 1, 2012.

§16-86.3. Validity of electronic documents.

VALIDITY OF ELECTRONIC DOCUMENTS.

(a) If a law requires, as a condition for recording, that a document be an original, be on paper or another tangible medium, or be in writing, the requirement is satisfied by an electronic document satisfying the Uniform Real Property Electronic Recording Act.

(b) If a law requires, as a condition for recording, that a document be signed, the requirement is satisfied by an electronic signature.

(c) A requirement that a document or a signature associated with a document be notarized, acknowledged, verified, witnessed, or made under oath is satisfied if the electronic signature of the person authorized to perform that act, and all other information required to be included, is attached to or logically associated with the document or signature. A physical or electronic image of a stamp, impression, or seal need not accompany an electronic signature.

Added by Laws 2008, c. 295, § 3, eff. Nov. 1, 2008.

§16-86.4. Recording of documents.

RECORDING OF DOCUMENTS.

(a) In this section, "paper document" means a document that is received by the county clerk in a form that is not electronic.

(b) A county clerk:

(1) Who implements any of the functions listed in this section shall do so in compliance with standards established by the Archives and Records Commission;

(2) May receive, index, store, archive, and transmit electronic documents;

(3) May provide for access to, and for search and retrieval of, documents and information by electronic means;

(4) Who accepts electronic documents for recording shall continue to accept paper documents as authorized by state law and shall place entries for both types of documents in the same index;

(5) May convert paper documents accepted for recording into electronic form;

(6) May convert into electronic form information recorded before the county clerk began to record electronic documents;

(7) May accept electronically any fee that the county clerk is authorized to collect; and

(8) May agree with other officials of a state or a political subdivision thereof, or of the United States, on procedures or processes to facilitate the electronic satisfaction of prior approvals and conditions precedent to recording and the electronic payment of fees.

Added by Laws 2008, c. 295, § 4, eff. Nov. 1, 2008.

§16-86.5. Administration and standards.

ADMINISTRATION AND STANDARDS.

(a) The Archives and Records Commission shall adopt standards to implement the Uniform Real Property Electronic Recording Act.

(b) To keep the standards and practices of county clerks in this state in harmony with the standards and practices of recording offices in other jurisdictions that enact substantially the Uniform Real Property Electronic Recording Act and to keep the technology used by county clerks in this state compatible with technology used by recording offices in other jurisdictions that enact substantially the Uniform Real Property Electronic Recording Act, the Archives and Records Commission, so far as is consistent with the purposes, policies, and provisions of the Uniform Real Property Electronic Recording Act, in adopting, amending, and repealing standards shall consider:

(1) Standards and practices of other jurisdictions;

(2) The most recent standards promulgated by national standard-setting bodies, such as the Property Records Industry Association;

(3) The views of interested persons and governmental officials and entities;

(4) The needs of counties of varying size, population, and resources; and

(5) Standards requiring adequate information security protection to ensure that electronic documents are accurate, authentic, adequately preserved, and resistant to tampering. Added by Laws 2008, c. 295, § 5, eff. Nov. 1, 2008.

§16-86.6. Uniformity of application and construction.

UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and construing the Uniform Real Property Electronic Recording Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it. Added by Laws 2008, c. 295, § 6, eff. Nov. 1, 2008.

§16-86.7. Relation to Electronic Signatures in Global and National Commerce Act.

RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT. The Uniform Real Property Electronic Recording Act modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act (15 U.S.C. Section 7001, et seq.) but does not modify, limit, or supersede Section 101(c) of that act (15 U.S.C. Section 7001(c)) or authorize electronic delivery of any of the notices described in Section 103(b) of that act (15 U.S.C. Section 7003(b)).

Added by Laws 2008, c. 295, § 7, eff. Nov. 1, 2008.

§16-87. Recordation of electronic documents in tangible form.

RECORDATION OF ELECTRONIC DOCUMENTS IN TANGIBLE FORM. A. As used in this section:

1. "Document" means information that is:

- a. inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form, and
- b. eligible to be recorded in the office of the county clerk;

2. "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities;

3. "Electronic document" means a document created, generated, sent, communicated, received or stored by electronic means; and

4. "Electronic signature" means an electronic sound, symbol or process attached to or logically associated with an electronic document and executed or adopted by a person with the intent to sign the electronic document.

B. A paper or tangible copy of an electronic document that a notary public has certified to be a true and correct copy under

subsection C of this section satisfies any requirement of law that, as a condition for recording, the document:

1. Be an original or be in writing;
2. Be signed or contain an original signature, if the document contains an electronic signature of the person required to sign the document; and
3. Be notarized, acknowledged, verified, witnessed or made under oath, if the document contains an electronic signature of the person authorized to perform that act, and all other information required to be included.

C. A notary public commissioned under Section 1 of Title 49 of the Oklahoma Statutes may certify that a paper or tangible copy of an electronic document is a true and correct copy of the electronic document if the notary public has:

1. Reasonably confirmed that the electronic document is in a tamper-evident format;
2. Detected no changes or errors in any electronic signature or other information in the electronic document;
3. Personally printed or supervised the printing of the electronic document onto paper or other tangible medium; and
4. Not made any changes or modifications to the electronic document or to the paper or tangible copy thereof other than the certification described in this subsection.

D. A county clerk shall record a paper or tangible copy of a document that is otherwise entitled to be recorded under the laws of this state, provided that the paper or tangible copy has been certified by a notary public to be a true and correct copy of an electronic document under subsection C of this section as evidenced by a certificate. The certificate shall be completed in the manner required in subsection A of Section 118 of Title 49 of the Oklahoma Statutes.

E. The following form of certificate is sufficient for the purposes of this section if completed in the manner required by subsection D of this section:

State of

County of

I certify that the preceding or attached document (entitled (document title)), (dated (document date)), containing (number) pages is a true and correct copy of an electronic document printed by me or under my supervision, and that, at the time of printing, no security features present on the electronic document indicated any changes or errors in an electronic signature or other information in the electronic document since its creation or execution.

Dated

(Signature of notary public)

(Notary seal)

Notary Public

(My commission expires:)

F. If a certificate is completed in the manner required by subsection D of this section and is attached to or made a part of a paper or tangible document, the certificate is prima facie evidence that the requirements of subsection C of this section have been satisfied with respect to the document.

G. When any paper or tangible copy of an electronic document shall have been recorded in the office of the county clerk in the proper county, and the document was not certified in accordance with this section, such document shall, from and after the time of the filing thereof for record, be valid as though such document had, in the first instance, been in all respects duly certified in accordance with this section. Such document or the record thereof or a duly authenticated copy thereof shall be competent evidence without requiring the original to be produced or accounted for to the same extent that written documents, duly executed and acknowledged, or the record thereof are competent. This subsection shall apply to documents recorded before or after January 1, 2020.

H. This section does not apply to a plat, plan, map or survey of real property if under another law of this state or a rule, regulation or ordinance applicable to a county clerk:

1. There are requirements of format or medium for the execution, creation or recordation of such plat, plan, map or survey beyond the requirements applicable to a deed to real property; or

2. Such plat, plan, map or survey shall be recorded in a different location than a deed to real property.

Added by Laws 2019, c. 338, § 1, eff. Jan. 1, 2020.

§16-91. Corporations may convey by attorney.

Corporations, as well as individuals, may make, acknowledge and deliver instruments affecting real estate by an attorney in fact. R.L.1910, § 1172.

§16-92. Instrument by corporation valid.

Every instrument affecting real estate or authorizing the execution of any deed, mortgage or other instrument relating thereto, executed and acknowledged by a corporation or its attorney in fact in substantial compliance with this chapter, shall be valid and binding upon the grantor, notwithstanding any omission or irregularity in the proceedings of such corporation or any of its officers or members, and without reference to any provision in its constitution or by-laws.

R.L.1910, § 1173.

§16-93. Manner of execution by corporation.

Every deed or other instrument affecting real estate made by a corporation must have the name of such corporation subscribed

thereto either by an attorney-in-fact, president, vice-president, chairman or vice-chairman of the board of directors of such corporation.

R.L. 1910, § 1186; Laws 1987, c. 146, § 26, emerg. eff. June 24, 1987; Laws 1994, c. 238, § 4, eff. Sept. 1, 1994.

§16-94. Repealed by Laws 1994, c. 238, § 6, eff. Sept. 1, 1994.

§16-95. Acknowledgment by corporation - Form.

Every deed or other instrument affecting real estate, executed by a corporation, must be acknowledged by an officer or attorney-in-fact subscribing the name of the corporation thereto, which acknowledgment may be in substantially a form as provided for in the Uniform Law on Notarial Acts or in substantially the following form:

State of Oklahoma,)

) ss.

_____ County.)

Before me, a _____ in and for this state, on this _____ day of _____, _____ personally appeared _____ to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its (attorney-in-fact, president, vice-president, chair, or vice-chair of the board of directors or mayor, as the case may be) and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed, and as the free and voluntary act and deed of the corporation, for the uses and purposes therein set forth.

R.L. 1910, § 1188; Laws 1994, c. 238, § 5, eff. Sept. 1, 1994; Laws 1999, c. 104, § 3, emerg. eff. April 19, 1999.

§16-96. Mechanic's materialman's lien statement - Execution, attestation, seal or acknowledgement not required - Release.

Any lien statement authorized pursuant to the provisions of Sections 141 through 164 of Title 42 of the Oklahoma Statutes when executed on behalf of a corporation may be signed and verified by any officer or agent of said corporation without the necessity of attestation, seal, or acknowledgement and any release of such lien when executed on behalf of a corporation may be signed by any officer or agent of such corporation without the necessity of attestation, seal, or acknowledgement.

With respect to the execution and release of lien statements in accordance with this section the provisions of Sections 15, 93, 94 and 95 of Title 16 of the Oklahoma Statutes shall not apply.

Added by Laws 1984, c. 257, § 2, emerg. eff. May 30, 1984.

§16-201. Citation.

This act may be cited as the Uniform Vendor and Purchaser Risk Act.

Added by Laws 1965, c. 92, § 1.

§16-202. Rights and duties of parties.

Any contract hereafter made in this state for the purchase and sale of realty shall be interpreted as including an agreement that the parties shall have the following rights and duties, unless the contract expressly provides otherwise;

(a) if, when neither the legal title nor the possession of the subject matter of the contract has been transferred, all or a material part thereof is destroyed without fault of this purchaser or is taken by eminent domain, the vendor cannot enforce the contract, and the purchaser is entitled to recover any portion of the price that he has paid; or

(b) if, when either the legal title or the possession of the subject matter of the contract has been transferred, all or any part thereof is destroyed without fault of the vendor or is taken by eminent domain, the purchaser is not thereby relieved from a duty to pay the price, nor is he entitled to recover any portion thereof that he has paid.

Laws 1965, c. 92, § 2.

§16-203. Uniform law.

This act shall be so interpreted as to effectuate its purpose to make uniform the law of those states which enact it.

Laws 1965, c. 92, § 3.

§16-301. Short title – Prohibition of Unfair Service Agreements Act.

This act shall be known and may be cited as the "Prohibition of Unfair Service Agreements Act".

Added by Laws 2024, c. 148, § 1, eff. Nov. 1, 2024.

§16-302. Definitions.

As used in this act:

1. "Person" means a natural person, partnership, association, cooperative, corporation, trust, or other legal entity;

2. "Recording" means presenting a document to the county clerk's office for official placement in the public land records;

3. "Residential real estate" means real property located in this state which is used primarily for personal, family, or household purposes and is improved by one to four dwelling units;

4. "Service agreement" means a contract under which a person agrees to provide services in connection with the maintenance of or purchase or sale of residential real estate; and

5. "Service provider" means an individual or entity that provides services to a person.

Added by Laws 2024, c. 148, § 2, eff. Nov. 1, 2024.

§16-303. Qualifications – Application.

A. A service agreement is unfair under this act if any part of the service subject to the agreement is not to be performed within one (1) year after the time it is entered into or automatically renews after a one (1) year agreement timeframe and has any of the following characteristics:

1. Purports to run with the land or to be binding on future owners of interests in the real property;

2. Allows for assignment of the right to provide service without notice to and consent of the owner of residential real estate; or

3. Purports to create a lien, encumbrance, or other real property security interest.

B. This act does not apply to:

1. A home warranty or similar product that covers the cost of maintenance of a major home system, such as plumbing, HVAC or electrical wiring for a fixed period;

2. An insurance contract;

3. An option or right of refusal to purchase the residential real estate;

4. A declaration created in the formation of a common-interest community or an amendment thereto;

5. A maintenance or repair agreement entered by an owners' association in a common-interest community;

6. A mortgage loan or a commitment to make or receive a mortgage loan;

7. A security agreement under the Uniform Commercial Code relating to the sale or rental of personal property or fixtures; or

8. Water, sewer, electrical, telephone, cable, or other regulated utility service providers.

C. This act does not impair any lien right granted pursuant to Oklahoma law.

Added by Laws 2024, c. 148, § 3, eff. Nov. 1, 2024.

§16-304. Unenforceable if deemed unfair.

If a service agreement is deemed unfair under this act it is unenforceable.

Added by Laws 2024, c. 148, § 4, eff. Nov. 1, 2024.

§16-305. Recording prohibited.

1. No person shall record or cause to be recorded an unfair service agreement or notice or memorandum thereof in this state;

2. A county clerk's office shall refuse to accept for recordation an unfair service agreement;

3. In the event that a county clerk does accidentally record an unfair service agreement, the county clerk shall incur no liability for doing so; and

4. If an unfair service agreement is recorded in this state, it shall not provide actual or constructive notice against an otherwise bona fide purchaser or creditor.

Added by Laws 2024, c. 148, § 5, eff. Nov. 1, 2024.

§16-306. Court order to declare recorded agreements unenforceable.

If an unfair service agreement or a notice or memorandum thereof is recorded in this state, any person with an interest in the real property that is the subject of that agreement may apply to a district court in the county where the recording exists to record a court order declaring the agreement unenforceable.

Added by Laws 2024, c. 148, § 6, eff. Nov. 1, 2024.

§16-307. Damages.

If an unfair service agreement or a notice or memorandum thereof is recorded in this state, any person with an interest in the real property that is the subject of that agreement may recover such actual damages, costs and attorney fees as may be proven against the service provider who recorded the agreement.

Added by Laws 2024, c. 148, § 7, eff. Nov. 1, 2024.