

1 **SENATE FLOOR VERSION**

2 February 11, 2025

3 **AS AMENDED**

4 SENATE BILL NO. 961

By: Bullard of the Senate

and

Williams of the House

6
7
8 **[county clerks - duty of register of deeds -**
9 **notification - fee - optional confirmation -**
10 **liability - effective date]**

11
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 19 O.S. 2021, Section 298, as
14 amended by Section 1, Chapter 250, O.S.L. 2024 (19 O.S. Supp. 2024,
15 Section 298), is amended to read as follows:

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

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20 requirements, for which purpose it may be withdrawn and refiled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

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

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

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

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

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

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

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

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

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

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

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

10 F. All documents accepted for filing, including all documents
11 filed before February 18, 1997, shall be deemed to comply with the
12 requirements of this section and, except as otherwise provided by
13 law, impart constructive notice of the contents of such document to
14 third parties unless a person claiming adversely to any such
15 document files an affidavit setting forth the basis of such claim in
16 the office of the county clerk of the county where the property is
17 located within six (6) months from February 18, 1997.

18 G. Upon the filing of a deed, the county clerk shall notify or
19 attempt to notify the previous deed holder of the filing. The
20 county clerk may determine the most effective way to notify the
21 previous deed holder and may use third-party vendors, provided the
22 method used is effective in sending a timely notification to the
23 previous deed owner. Such notification shall inform the previous
24 deed holder of the new filing. The county clerk may charge a one-

1 dollar notification fee to the filer of the deed for each deed filed
2 with the county clerk to effectuate the purposes of this subsection.

3 H. The county clerk shall provide an immediate option for a
4 deed holder to, at any time, place a trigger within their deed,
5 which shall require the county clerk to contact such deed holder at
6 the time of any subsequent filings to immediately notify and verify
7 that they are or are not the person or entity transferring the deed.

8 If the deed holder, once contact is established, contests the
9 validity of the proposed deed filing, the county clerk shall cease
10 completion of the filing and submit a formal and immediate inquiry
11 to the local district attorney to investigate and make a
12 determination as to whether the awaiting filing of a deed is
13 fraudulent or is a legitimate deed conveyance. The district
14 attorney shall verify with the original deed holder if they want to
15 allow the new deed to be filed or if they want to halt the filing.

16 If the deed holder does not respond within five (5) business days
17 and every reasonable attempt has been made to contact such deed
18 holder, then the county clerk shall complete the proposed filing.

19 I. The county clerk shall not be liable to a deed holder for
20 any damages pursuant to this section when the notification processes
21 of this section are followed.

22 SECTION 2. This act shall become effective November 1, 2025.

23 COMMITTEE REPORT BY: COMMITTEE ON LOCAL AND COUNTY GOVERNMENT
24 February 11, 2025 - DO PASS AS AMENDED