

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 1120

By: Russ

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5  
6 AS INTRODUCED

7 An Act relating to mortgages; amending 46 O.S. 2011,  
8 Section 15, which relates to release of mortgage;  
9 authorizing escrow agent to recover certain penalty;  
10 defining term; and providing an effective date.

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

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

14 Section 15. A. Any mortgage on real estate shall be released  
15 by the holder of any such mortgage within fifty (50) days of the  
16 payment of the debt secured by the mortgage and the holder of the  
17 mortgage shall file the release of the mortgage with the county  
18 clerk where the mortgage is recorded. If, at the end of the fifty-  
19 day period, the holder has failed to release the mortgage, the  
20 mortgagor may at any time request in writing the holder of the  
21 mortgage to release the mortgage and the holder of the mortgage  
22 shall have ten (10) days from the date of the request to release  
23 such mortgage. If the holder of the mortgage fails to release the  
24 mortgage by the end of such ten-day period, ~~he~~ the holder shall then

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

9 B. An escrow agent may bring action on behalf of the mortgagor  
10 to recover the penalty described in subsection A of this section.

11 The term "escrow agent" shall mean a third party, individual or  
12 entity charged with the fiduciary obligation for holding or  
13 dispensing escrow funds on a mortgage.

14 C. For purposes of this section, "mortgagor" shall include any  
15 subsequent purchaser of the mortgaged real estate.

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

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