

1 STATE OF OKLAHOMA

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

3 SENATE BILL 745

By: Sykes

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6 AS INTRODUCED

7 An Act relating to transfer-on-death deeds; amending
8 58 O.S. 2011, Section 1252, which relates to
9 acceptance of transfer-on-death deed; clarifying
application of certain recording requirement; and
declaring an emergency.

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

13 SECTION 1. AMENDATORY 58 O.S. 2011, Section 1252, is
14 amended to read as follows:

15 Section 1252. A. An interest in real estate may be titled in
16 transfer-on-death form by recording a deed, signed by the record
17 owner of the interest, designating a grantee beneficiary or
18 beneficiaries of the interest. The deed shall transfer ownership of
19 the interest upon the death of the owner. A transfer-on-death deed
20 need not be supported by consideration. For purposes of the
21 Nontestamentary Transfer of Property Act, an "interest in real
22 estate" means any estate or interest in, over or under land,
23 including surface, minerals, structures and fixtures.

1 B. The signature, consent or agreement of or notice to a
2 grantee beneficiary or beneficiaries of a transfer-on-death deed
3 shall not be required for any purpose during the lifetime of the
4 record owner.

5 C. To accept real estate pursuant to a transfer-on-death deed,
6 a designated grantee beneficiary shall execute an affidavit
7 affirming:

8 1. Verification of the record owner's death;

9 2. Whether the record owner and the designated beneficiary were
10 married at the time of the record owner's death; and

11 3. A legal description of the real estate.

12 D. The grantee shall attach a copy of the record owner's death
13 certificate to the beneficiary affidavit. ~~The~~ For a record owner's
14 death occurring on or after November 1, 2011, the beneficiary shall
15 record the affidavit and related documents with the office of the
16 county clerk where the real estate is located within nine (9) months
17 of the grantor's death, otherwise the interest in the property
18 reverts to the deceased grantor's estate; provided, however, for a
19 record owner's death occurring before November 1, 2011, such
20 recording of the affidavit and related documents by the beneficiary
21 shall not be subject to the nine-month time limitation.

22 Notwithstanding the provisions of Section 26 of Title 16 of the
23 Oklahoma Statutes, an affidavit properly sworn to before a notary
24 shall be received for record and recorded by the county clerk

1 without having been acknowledged and, when recorded, shall be
2 effective as if it had been acknowledged.

3 SECTION 2. It being immediately necessary for the preservation
4 of the public peace, health and safety, an emergency is hereby
5 declared to exist, by reason whereof this act shall take effect and
6 be in full force from and after its passage and approval.

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