

**TITLE EXAMINATION STANDARDS COMMITTEE
of the
Real Property Law Section of the O.B.A.**

***“FOR THE PURPOSES OF EDUCATING
AND GUIDING TITLE EXAMINATION ATTORNEYS”***

**MAY 19, 2018 AGENDA
(As of May 14, 2018)**

***[NOTE: SEE MEETING DATES & LOCATIONS AT THE END OF THIS
AGENDA]***

***[Note: if you need a free pdf copy of the current 2018 TES handbook, go to
www.eppersonlaw.com]***

MAY 19, TULSA

Speakers (Sub-Comm.)	Standard#	Status	Description
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BUSINESS/GENERAL DISCUSSION OF CURRENT EVENTS

9:30 a.m. – 10:15 a.m.

**Hot Topics: General Questions from Attorneys and Other Title Industry Members:
Epperson**

Legislative Report: Rhonda McLean

Approval of Previous Month’s TES Committee Minutes: Barbara Carson

PRESENTATIONS

=====PENDING=====

10:00 a.m. – 10:45 a.m.

<u>Schaller McMillin (Schuller)</u>	30.14; 34	May Report	<i>FEDERAL BANKRUPTCY COURT PROCEEDINGS Reviewing language of all of Chapter 34 to determine if any part is out of date. Also considering whether there are gaps in Standards No. 30.14 and 34 that could be</i>
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			<i>addressed covering bankruptcies filed outside of Oklahoma's Federal Districts, uncheduled property in bankruptcy, and the language of 11 USC 549 on "Postpetition Transactions". Should Standard NO. 30.14 be amended to provide direction to title examiners and to reconcile possible inconsistencies between the standard the comment?</i>
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10:45-11:00 a.m. BREAK*****

PRESENTATIONS (CONT'D)

11:00 a.m. – 12:00

<u>Sullivan</u> <u>McLean</u>	????	May Report	TENANCY BY ENTIRETY ????????????????????????????????
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<u>Wimbish</u> <u>Carson</u> <u>Astle</u> <u>Evans</u> <u>Schaller</u>	35A, B & C	May Report	LOT SPLIT APPROVAL <i>Does a division of a platted lot into two or more lots each of greater than 5 acres require lot split approval?</i>
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<u>McMillin</u> <u>Brown</u> <u>Seda</u> <u>Williams</u>	3.2	May Draft	AFFIDAVITS AND RECITALS <i>The Oklahoma Legislature's amendment of the Revenue Production Standards Act specifically addressed the use of affidavits of heirship (testate and intestate) which may be contrary to the current language of TES 32. This matter is being studied to determine whether a change to the TES 3.2 is needed. (HB 2775; effective Nov. 1, 2018)</i>
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***** END OF PRESENTATIONS *****

JUNE 16, STROUD

<u>Seda &</u> <u>Epperson</u>	30.1 et seq	June Report	MRTA/SEVERED MINERALS <i>Due to the holding in the Rocket case, can it be concluded that the MRTA does affect severed mineral chains of title? (see Epperson's published article on the issue at www.eppersonlaw.com; there was also a 2016 OU Law Review article published on this issue; [while not directly related: there is also a pending Western District case pending concerning whether the MRTA is self-executing])</i>
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=====APPROVED=====

<u>Brown</u> Astle Reed Carson Sedo Doyle Epperson		Apr APP'D	RELEASE OF LIS PENDENS <i>A lis pendens notice is simply notification of pending litigation affecting real property interests. Should there be a TES clarifying that cancellation and release of lis pendens notices are not necessary?</i>
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=====UNSCHEDULED=====

<u>(Brown?)</u>	?	Jan Report	SPECIAL ADMINISTRATOR AUTHORITY TO CONDUCT REAL ESTATE SALES
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=====REJECTED=====

<u>Epperson</u> Schaller McLean Astle Doyle	Rejected	Apr	LEGAL AND PHYSICAL RIGHT OF ACCESS <i>Should attorneys include in their title opinions a comment on whether there is a legal or physical right of access? If so, what title work is needed? If not should an exception be added to the opinion? Also, what coverage is provided by title insurance when they insure legal right of access?</i>
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<u>Reed</u> Seda Wimbish	Rejected	Apr	VALIDITY OF REAL PROPERTY INSTRUMENTS SIGNED BY NON-CORPORATE REPRESENTATIVES ??
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<u>Fischer</u> Epperson	Rejected	Feb	DEFAULT JUDGMENT INVALID WITHOUT NOTICE <i>The new case of Schweigert v. Schweigert, 2015 OK 20, holds that a default judgment cannot be taken without notice to the defaulting party, even if the statutes allow a default judgment to be taken where the service was adequate and no entry or answer was filed. This holding may impact the Title Standards dealing with the SLTA and MRTA.</i>
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<u>Wittrock & Epperson</u>	Rejected	Feb	<p><i>ACCESS TO DEATH CERTIFICATES</i> <i>The question has been raised as to how to overcome the current interpretation of 63§1-323 which is preventing attorneys and other third parties from getting copies of Death Certificates to file with Affidavits to Terminate Joint Tenancy, and Severed Mineral Affidavits of Heirship, and similar filings. Legislation may be necessary. Social Security Account Numbers for deceased persons are already freely available on-line, so that is not a valid reason to withhold death certificates from public access and use.</i></p> <p><i>A suggestion was made to rely on an Affidavit.</i></p>
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=====TABLED TO 2019=====

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COMMITTEE OFFICERS:

Chair: Kraettli Q. Epperson, OKC (405) 848-9100
kqe@meehoge.com

Comm. Secretary: Barbara Carson, Tulsa (918) 605-8862
barbaracarson@yahoo.com

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2018 Title Examination Standards Committee

(Third Saturday: January through September)

Time: 9:30 a.m. to 12 noon

<u>Month</u>	<u>Day</u>	<u>City/Town</u>	<u>Location</u>
January	20	Tulsa	Tulsa County Bar Center
February	17	Stroud	Stroud Conference Center
March	17	OKC	Oklahoma Bar Center
April	21	Stroud	Stroud Conference Center
May	19	Tulsa	Tulsa County Bar Center
June	16	Stroud	Stroud Conference Center
July	21	OKC	Oklahoma Bar Center
August	18	Stroud	Stroud Conference Center
September	15	Tulsa	Tulsa County Bar Center

Tulsa County Bar Center
1446 South Boston
Tulsa, Oklahoma 74119-3612

Stroud Conference Center
218 W Main St.
Stroud, Oklahoma 74079

Oklahoma Bar Center
1901 N. Lincoln Blvd.
Oklahoma City, OK 73152-3036