

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”***

FEBRUARY 16, 2019 AGENDA--draft
(As of February 11, 2019)

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

***[Note: if you need a free pdf copy of the current 2019 TES handbook, go to
www.eppersonlaw.com]***

FEBRUARY 16, STROUD (STROUD CONFERENCE CENTER)

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: Ryan Schaller

**Approval of Previous Month’s TES Committee Minutes (SEPTEMBER 2018):
Barbara Carson**

PRESENTATIONS

=====PENDING=====

10:00 a.m. – 10:45 a.m.

(??Sullivan & Reed) ??	14.10	Feb Report	<p><i>LLC WITH SERIES</i></p> <ol style="list-style-type: none"> 1. There are cases suggesting that the presence or absence of “periods” in the “LLC” portion of the name of a limited liability company is significant and creates two different company names. This issue needs to be discussed and perhaps covered in the existing TES. 2. There is a growing practice of LLC operating agreements authorizing corporate officer titles (e.g., president or vice president) for what should be the “manager”. This issue needs to be discussed and perhaps covered in the existing TES.
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<u>Brown & Epperson</u> ??	??	Feb Report	<p><i>RELEASE OF LIS PENDENS</i></p> Should the new TES be clarified regarding the possible need to extinguish or release an improper lis pendens; meaning filed where no land is involved? (see Bock v. Slater, 2010 OK CIV APP 90)
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<u>Seda & Williams</u> ??	??	Feb Report	<p><i>AFFIDAVIT OF HEIRSHIP</i></p> An effort is being made to revise and clarify the existing statute (16 O.S.§67) authorizing the use of an Affidavit of Heirship in lieu of a probate in both testate and intestate settings. If such legislation is adopted, the current title standard will need to be revised accordingly.
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10:45-11:00 a.m. BREAK*****

PRESENTATIONS (CONT'D)

11:00 a.m. – 12:00

<u>Schaller?</u> ??	30.14; 34	Feb Report	<p><i>BANKRUPTCY STANDARD UPDATE</i></p> Revising typos and incorrect references in Standard 34. Other sub-committee topics include potential changes to Standard 34 based on 11 USCA §549, and whether Standard 30.14 “Federal Court Proceedings” should be revised.
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<u>Astle?</u> ??		Feb Report	RECORDING SCANNED COPIES OF "WET" SIGNED INSTRUMENTS IN THE LAND RECORDS ??
<u>Orlowski?</u> ??	1.1	Feb Report	MARKETABLE TITLE <i>Is "marketable title" the same as "marketable record title"? Should the TES Committee explain the difference?</i> ??
<u>Brown?</u> ??		Feb Report	AUTHORITY FOR STANDARDS <i>Should there be a Standard explaining whether the TES Committee relies upon only "precedential" appellate opinions, but also on "persuasive" opinions:</i> <ol style="list-style-type: none"> 1. COCA unpublished opinions; 2. COCA opinions published by authority of COCA; 3. COCA opinions published by authority of OK SUP CT; 4. OK SUP CT unpublished opinions; and 5. OK SUP CT published opinions. ??
<u>Seda?</u> ??	30.1 et seq	Feb Report	MRTA/SEVERED MINERALS ??
<u>Astle?</u> ??	14.8	Feb Report	FOREIGN LIMITED LIABILITY COMPANIES... ??
(??) ??	NEW	Feb Report	AFFIDAVIT OF SUCCESSOR TRUSTEE ??
<u>Seda?</u> ??	3.2	Feb Report	AFFIDAVITS AND RECITALS ??
<u>Shields & Schaller</u> ??	NEW	Feb Report	STIGLER ACT AMENDMENTS & MURPHY CASE ??

<u>Monica?</u> ??	NEW	Feb Report	<i>REMOTE ON-LINE NOTARY</i> ??
<u>Brown</u> ??	??	Feb Report	<i>PROBATE CASES BEING FILED IN COUNTY OTHER THAN RESIDENCE--see In Matter of Estate of Walker, 2018 OK CIV APP 63</i> ??
(??) ??	7.2	Feb Report	<i>MARITAL INTERESTS...(purchase money mortgage--see Wilmington v. Marshall, COCA, 9/18/18</i> ??
(Sullivan?) ??	30.1 et seq	Feb Report	<i>MRTA--self-executing: See Corban v. CHK, 149 Ohio St. 3d 512</i> ??

***** END OF PRESENTATIONS *****

=====APPROVED=====

=====UNSCHEDULED=====

=====REJECTED=====

=====TABLED TO 2020=====

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COMMITTEE OFFICERS:

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

Vice Chair--Legislative Reporter: Ryan Schaller

Vice Chair--OBA Bulletin Board Highlights: Faith Orlowski

Vice Chair--Handbook Editor: Rhonda McLean

Vice Chair--Title Update Seminars: Kraettli Q. Epperson

Comm. Secretary: Barbara Carson, Tulsa
(918) 605-8862
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2019 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	19	Tulsa	Tulsa County Bar Center
February	16	Stroud	Stroud Conference Center
March	16	OKC	Oklahoma Bar Center
APRIL	13*	STROUD	STROUD CONFERENCE CENTER
May	18	Tulsa	Tulsa County Bar Center
June	15	Stroud	Stroud Conference Center
July	20	OKC	Oklahoma Bar Center
August	17	Stroud	Stroud Conference Center
September	21	Tulsa	Tulsa County Bar Center

***NOTE: THIS IS THE SECOND SATURDAY, NOT THE THIRD SATURDAY TO AVOID EASTER WEEKEND!**

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