

**TITLE EXAMINATION STANDARDS COMMITTEE  
of the  
Real Property Law Section of the Oklahoma Bar Association**

**Minutes of the Meeting of April 13, 2019**

The Committee Chairman, Kraettli Epperson, was absent due to a scheduling issue and not paying attention to the Schedule. Jack Wimbish stepped up as acting Committee Chairman and the following members were present:

Barbara Carson, Jeff Noble, James Tack, Rusty Brown, Roberto Seda, Jena Williams, John J. Garvey, Deborah Reed, Faith Orłowski, Jack Wimbish, Rhonda McLean, Ryan Schaller, Dale Astle, Chris Shields, Fred Kempf, David Dryer, Morgan Dodd.

**Introductions and Incidental Committee Business**

Ryan Schaller is NOT on the Committee for Stigler Act & Murphy Case, only Chris Shields. Maybe Ryan should stop jumping around while we are naming committee members.

**Discussion of Current Events and Hot Topics**

- Transfer on Death Deeds. Concern with Title Standard 17.4, Comment 2 as it is being interpreted as to require a surviving spouse to execute a quit claim deed even though the surviving spouse had signed the TOD Deed. Jack Wimbish has proposed a revision to the language in the Comment and will put this on the agenda for May.
- Transfer on Death Deed. Language added that the non-titled spouse was only joining in the TOD deed for homestead purposes. Committee agreed that as long as there is joinder by the spouse, the reason of her joinder was unimportant and no action is needed by the Committee.

**Legislative Update**

Ryan Schaller reported. Nothing new at this time. Basically Ryan just wants us to read the report (that's why he puts it together).

Two bills of interest:

- HB 1222 – would allow affidavits from a non-titled, non-joining spouse regarding the status of the property as homestead. Will probably be approved by the full Senate.
- HB1223 – affidavits for severed mineral interests. Has opposition and may not pass through.

**Approval of Minutes**

February minutes were approved.

**Agenda Items**

**TES ---. Registration of Foreign Judgments.**

Report/reading by Dale Astle. Suggestion that a note be added to refer to Standard 35.4 and visa versa. Dale will make the proposed changes and come back for a second reading in May.

**TES ---. Recording Scanned Copies of Wet Signed Instruments in Land Records.**

Dale Astle gave a report. This matter is tabled until we can determine there is an issue for TESC.

**TES 30.14 & 34. Bankruptcies.**

Ryan Schaller reported. Expect to have a draft for 1<sup>st</sup> reading in May. He will fix the typo's in the standard to vote on next month. Then this committee will tackle 11 USCA §549. Next they will address 30.14. James Tack has joined the committee.

**TES ---. Authority for Standards.**

Rusty Brown reported. The pivotal question is should there be a Standard on what cases to rely on and what cases not to rely on i.e. precedential, persuasive, etc. Consensus is no need for Standard as that would be purely educational (because we learned that in 1<sup>st</sup> year law school). As for the Walker Case, we are in a wait and see position. As for the question of jurisdiction, we will leave that up to the individual examiner (though we all really know what the "right" answer is). Rusty will keep us updated (as this is now his mission in life).

**TES ---. Stigler Act Amendments & Murphy Case.**

Chris Shields reported. The Solicitor General has prepared a memo as to the effect of the Stigler Amendment. Chris will distribute to TESC. The Murphy case is still pending. No further action on either at this point.

**TES 14.8. Foreign Limited Liability Companies.**

Dale Aste Reported. The issue is whether a foreign LLC is required to be registered in the State of Oklahoma prior to transferring real property. First draft in May.

**Adjournment (Early!!!! Thanks Jack!!!)**

Respectfully submitted,

Barbara L. Carson