

Title Examination Standards
April 16, 2022 – Stroud

Discussion of upcoming topics including Indian Tittle Standards and probates.

Legislative update

HB 3900 (Civil Procedure; default Judgment) The Schweigert Fix.
This bill appears to be passing.

SB 1168: Property; Authorizing use of certain contingency for real estate contracts/
This bill has been amended. As amended, it appears to have significant chance of
Being passed.
The amended bill removes the 180 day date that was creating concerns from commercial
real estate attorneys.

HB 2977: Road Maintained and duty of disclosures.
The bill stands to pass, and be signed.
The new law will create an affirmative duty on a seller to notify the buyer who is in charge
of maintaining the roads.
Not a title matter, but of concern for title examiners and insurance companies.

HB 3528: Oklahoma Farmland and Wealth Preservation Act.
Passed both the house and Senate.

SB 1460: Probate procedure; modifying requirements for proper venue,
Passed house and Senate.

SB1609- defeated. There is a new sub-committee formed trying to establish a better standard.

Hot Topics:

TODD – 1) If a TODD by JTs says it doesn't occur until death of second, it is valid and survivor can
revoke the TODD. But, further discussion was had as to whether that's actually true.

Urban renewal deed of dedication – It uses grant and conveyance language for a particular
purpose – is it a fee simple, an easement, or something else?

Peveto v. Peveto – discussion of dresser drawer deeds and statement that it must be filed before
death and statement that deed has to be delivered before death

Easement by necessity, implication, or prescription – Discussion of whether owner of parcel A,
who needs access through B and C, has any legal right to access C after it is purchased by the
owner of B.