

Hello OLTA – This morning the Oklahoma Attorney General’s office announces a couple of important changes to their implementation of SB 212. Remember that today is the official effective date for these new requirements. The changes are as follows:

1. **NEW INDIVIDUAL AFFIDAVIT FORM.** The Attorney General has adjusted the affidavits for individuals to more clearly reflect the ability of non-U.S. citizens who are not yet residents of Oklahoma but who shall become a resident to purchase property. Please note that the changes are reflected in paragraphs 2 and 5, and are consistent with the provisions of 60 O.S. Section 122. The new Affidavit form is attached and is being distributed today by the AG’s office.
2. **SB212 DOES NOT APPLY TO GOVERNMENTAL ENTITIES.** The Attorney General has released a written statement that SB 212 does not apply to governmental entities. In their communication, they stated: “Whereas [Title 60 O.S.] Section 121 initially states that it applies to any deed, the following modifying language provides that the individual executing the affidavit attests to compliance on behalf of the person, business entity, or trust. Accordingly, because a governmental entity is neither a person, business entity, nor a trust, we do not interpret section 121 to require a governmental entity to execute the affidavit when recording a deed.” We are hopeful that the Emergency Rules will provide further guidance on this issue, especially as it may concern quasi-governmental entities, Tribes, and Tribal entities.

Please visit the OLTA website under Legislative News for the latest FAQ's and affidavit forms.

<https://www.oklahomalandtitle.com/legislative-news>

Thank you,

OLTA Government Affairs Committee