



Oklahoma Statutes Citationized

Title 60. Property

Chapter 3 - Alien Ownership of Land

Section 121 - Ownership of Personal and Real Property by Aliens

This Statute Will Go Into Effect

On: 11/01/2023

See Historical Data for Current Version

Cite as: 60 O.S. § 121 (OSCN 2023)

A. No alien or any person who is not a citizen of the United States shall acquire title to or own land in this state either directly or indirectly through a business entity or trust, except as hereinafter provided, but he or she shall have and enjoy in this state such rights as to personal property as are, or shall be accorded a citizen of the United States under the laws of the nation to which such alien belongs, or by the treaties of such nation with the United States, except as the same may be affected by the provisions of Section 121 et seq. of this title or the Constitution of this state. Provided, however, the requirements of this subsection shall not apply to a business entity that is engaged in regulated interstate commerce in accordance with federal law.

B. On or after the effective date of this act, any deed recorded with a county clerk shall include as an exhibit to the deed an affidavit executed by the person or entity coming into title attesting that the person, business entity, or trust is obtaining the land in compliance with the requirements of this section and that no funding source is being used in the sale or transfer in violation of this section or any other state or federal law. A county clerk shall not accept and record any deed without an affidavit as required by this section. The Attorney General shall promulgate a separate affidavit form for individuals and for business entities or trusts to comply with the requirements of this section, with the exception of those deeds which the Attorney General deems necessary when promulgating the affidavit form.

Historical Data

Laws 1910, § 6646; Amended by Laws 2023, SB 212, c. 327, § 1, eff. November 1, 2023 ([superseded document available](#)).



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 **Chapter 3 - Alien Ownership of Land**

 **Section 122 - Inapplicability of Article**

Cite as: O.S. §. ___ __

This article shall not apply to lands now owned in this state by aliens so long as they are held by the present owners, nor to any alien who is or shall take up bona fide residence in this state: and any alien who is or shall become a bona fide resident of the State of Oklahoma shall have the right to acquire and hold lands in this state upon the same terms as citizens of the State of Oklahoma during the continuance of such bona fide residence of such alien in this state: Provided, that if any such resident alien shall cease to be a bona fide inhabitant of this state, such alien shall have five (5) years from the time he ceased to be such bona fide resident in which to alienate such lands.

Historical Data

R.L. 1910, § 6647.



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 **Chapter 3 - Alien Ownership of Land**

 **Section 123 - Five-Year Limitation**

Cite as: O.S. §, ___

All nonresident aliens who may hereinafter acquire real estate in Oklahoma by devise, descent or by purchase, where such purchase is made under any legal proceeding foreclosing liens in favor of such alien, may hold the same for five (5) years from the date of so acquiring such title.

Historical Data

R.L. 1910, § 6648.



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Section 124 - Alien Holding Lands in Contravention to Provisions of This Article

Cite as: O.S. §, ___

Any alien who shall hereafter hold lands in the State of Oklahoma in contravention of the provisions of this article, may nevertheless convey the fee simple title thereof at any time before the institution of escheat proceedings as hereinafter provided: Provided, however, that if any such conveyance shall be made by such alien either to an alien or a citizen of the United States in trust, and for the purpose and with the intention of evading the provisions of this article, or the provisions of the Constitution of this state, such conveyance shall be null and void, and any such lands so conveyed shall be forfeited and escheated to the state absolutely.

Historical Data

R.L. 1910, § 6649.



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Section 125 - Initiation of Suit

Cite as: O.S. §. ___

It shall be the duty of the Attorney General or the district attorney of the county where the land is situate, when he shall be informed or have reason to believe that any lands in the state are being held contrary to the provisions of this act, or the provisions of the Constitution of this state, to institute suit in behalf of the State of Oklahoma in the district court of the county in which said lands are situate, praying for the escheat of the same in behalf of the state, and proceed therein as in cases provided by law for escheats of lands or property where such property has no known owner: Provided, that before any such suit is instituted, the Attorney General, or district attorney aforesaid, as the case may be, shall give thirty (30) days' notice by registered letter of his intention to sue, directed to the owner of the lands, at his last-known post office address or to the persons who last rendered the same for taxes, or to any known agents of the owner; proof of having mailed such registered letter shall be deemed and held prima facie evidence of the giving of such notice.

Historical Data

R.L. 1910, § 6650.



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 **Section 126 - Same - Minors and Incompetents as Defendants**

Cite as: O.S. §, ____

In case the lands, at the time escheat proceedings are about to be commenced, are owned by minors, or by persons of unsound mind, such notice shall be addressed to the guardian of the said minors, or persons of unsound mind, and if there is no such guardian, the Attorney General of the state, or district attorney shall make application in the name of the state to the court and procure the appointment of a guardian ad litem to represent such minor, or person of unsound mind in such proceedings; thereafter the district attorney shall direct the clerk of such court to ascertain the residence or postoffice address of the next of kin of such minor, or person of unsound mind, and to transmit to such next of kin a copy of the petition or application to escheat such lands, and such minor or person of unsound mind shall have ninety (90) days after the mailing of such notice to appear and defend the action.

Historical Data

R.L. 1910, § 6651.



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Section 127 - Trial and Judgment

Cite as: O.S. §, ___

If it shall be determined upon the trial of any such escheat proceedings that lands are held contrary to the provisions of this article, or the Constitution of this state, the court trying said cause shall render judgment condemning such lands, and order the same to be sold under the order of court, at such time, terms, and conditions as to the court may seem best; the proceeds of such sale after deducting the cost of the proceeding, shall be paid to the clerk of the court rendering the judgment where the same shall remain for one (1) year from the date of such payment, subject to the order of the alien owner of such lands, his heirs and legal representatives, and if not claimed within the period of one (1) year, such clerk shall pay the same into the treasury of the state for the benefit of the available school fund of the State: Provided, that when any money shall have been paid to the State Treasurer as hereinabove provided, an alien or his heirs may procure the same to be returned by applying for and procuring an order from the court condemning the property showing that such judgment escheating said property was procured by fraud, or mistake, or that there was material irregularity in the proceedings; this application, however, must be made within two (2) years from the date such monies were turned over into the State Treasury; and in no event shall the state be liable or called on to refund any further sum than the actual cash transmitted and delivered to such Treasurer: Provided, further, that the defendant in such escheat proceedings may at any time before final judgment suggest and prove to the court, that he has conformed to, or complied with the law, under and by which they will be entitled to hold such estate; which, it being admitted or proved, said suit shall be dismissed on payment by defendant of the costs and reasonable attorney's fees, to be fixed by the court.

Historical Data

R.L. 1910, § 6652.