



## OKLAHOMA ABSTRACTORS BOARD

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### Checklist for Developing a New Abstract Plant

- I. Fill out the application for permit to develop an abstract plant. Each of the following items must be included with the application submitted to the Oklahoma Abstractors Board for approval. If any items are not submitted, the permit may be approved but not issued until all requested information is received.**
- A. The physical address of the office from which the work on developing the plant will be conducted. This location shall be where all of the records outlined in this checklist will be kept.
- B. Your Business Plan, making sure your plan includes how you are going to build your plant, who is going to build your plant, and outside vendors you will be using, if any, along with all other information normally found in a business plan.
- C. A Master List which outlines the parameter of documents at the offices of both the County Clerk and the Court Clerk. This list shall be divided into columns showing: 1) the name, number, and page range of each book to be copied or scanned; 2) range of case numbers for each type of court case to be copied or scanned; 3) all cabinets, with identifying number range of each cabinet, containing maps and plats; and 4) all other documents which have been filed of record or have been recorded which legally impart constructive notice of matters affecting title to all real property within the county.
- D. A statement to the OAB in writing whether a manual or computer software-based indexing system will be used.
1. If a software-based indexing system will be used, the OAB must approve it in writing before beginning the development of the plant. A written application for software approval shall be made that includes:
    - a. Name, address, and contact information of the software developer.
    - b. Name of software, including software version.
    - c. Name of licensee who will be operating the computer during document acquisition and indexing.

- d. Detailed description of how the system works including data input.
  - e. Copies of all reports the system can create.
  - f. A demonstration of the system to the OAB or its designee.
2. If a manual indexing system will be used, the OAB must also approve the system in writing before beginning the development of the plant. A written application for manual system approval must be made that includes:
- a. Name, address and contact information of paper system supplier, if applicable.
  - b. Name of paper system, including product numbers of each paper element that will be used, if applicable.
  - c. Detailed description of how the system works including step-by-step process that will be used.
  - d. Samples of all paper elements that will be used, with a small sample of data added to show its purpose.
  - e. A demonstration of the system to the OAB or its designee.
- E. Affidavits of the Court Clerk and the County Clerk certifying the completeness or incompleteness of the county records.

**II. After the permit has been issued but before beginning the development of a plant, the following actions must be taken:**

- A. The Permit is posted in the county offices near the work area.
- B. All employees performing licensed activities are licensed.

**OAB Rule 5:11-3-1. Who must hold abstract license**

(a) Any person in the employ of a holder of a certificate of authority or permit, or a holder of a certificate of authority who is an individual actively engaged in the process of preparing abstracts, or the holder of a permit who is an individual actively engaged in the construction of an abstract plant, shall be required to have an individual abstract license.

(b) Any person who is employed by a holder of a permit or certificate of authority whose sole function is limited to reviewing documents to determine the type of instrument, date, parties, recording information and legal description, and entering such information into a manual or computer indexing system shall not be required to hold an abstract license. Such activity shall be conducted under the supervision of a licensed abstractor. Prior to the final entry of such documents to the abstract plant, a licensed abstractor must review, verify and accept such entries as final on behalf of the holder of the permit or certificate of authority. Any matter entered into the indexing system by an unlicensed person without proper licensed supervision may be deemed a violation of this Act.

(c) The holder of a certificate of authority or permit shall provide the Board with a list of the names of licensed and unlicensed employees in such form as directed by the Board.

C. The licenses of all employees are posted near the posted Permit.

D. A proper County Surety Bond has been filed with the OAB.

### **III. Indexing System for County Clerk Records:**

A. The indexing system, whether manual or software-based, must be organized by property description and divided into columns with the heads of the columns to include the following fields and which shall also provide for the ability to conduct a search based on any one of the following fields.

Each entry must include:

1. Grantor;
2. Grantee;
3. Type of Instrument;
4. Date of Filing, including Month, Day and Year;
5. Instrument Identifier: Reception number or recorded book and page, or other custom numbering system which shall be approved by the OAB;
6. Legal Description which is capable of indexing based upon quarter, quarter, if applicable;
7. Remarks, if any; and
8. A note showing who recorded the entry. Initials or numbering system may be used, but it shall be standardized with a key to the name and license number corresponding to those initials. This may also be kept in a separate log.

### **IV. Indexing System for Court Clerk Records:**

A. The indexing system, whether manual or software-based, must be organized by property description and divided into columns with the heads of the columns to include the following fields and which shall also provide for the ability to conduct a search based on any one of the following fields).

Each entry must include:

1. Case Number;
2. Plaintiff or Petitioner;
3. Defendant or Respondent;
4. Type of Case;
5. Date of Filing, including Month, Day, and Year;
6. Legal Description which is capable of indexing based upon quarter, quarter, if applicable;
7. Remarks, if any
8. A note showing who recorded the entry. Initials or numbering system may be used, but it shall be standardized with a key to the name and license number corresponding to those initials.

## **V. Instrument Acquisition**

A. Shall copy or scan all available instruments filed of record in the office of the County Clerk.

1. In cases where filed copies of the instruments were destroyed after microfilming, then microfilm may be used for acquisition of those instruments only.
2. Images obtained in any form from any source other than a county office shall be prohibited.

B. Begin with the oldest records, work forward to the present, use a logical process approved by the OAB.

C. Log each acquired and indexed instrument in an Acquired and Indexed Instrument Log:

1. Each acquired and indexed instrument shall be recorded in this log in a manner that logically correlates with the Master List provided to the OAB. In addition to the type of instrument and all relevant names and numbers that identify it individually, the name of the licensee who acquired or indexed it shall also be recorded. Initials or a numbering system may be used, but they shall be standardized with a key to the name and license number corresponding to those initials.

2. If the licensees who are indexing the instruments are different from those who are acquiring them, or if these steps are taken separately, separate logs shall be kept for each process, noting each instrument or the range of instruments acquired or indexed.
3. Any entries logged as a range of instruments shall be inclusive and consecutive in number.
4. At the end of each work session, the total number of documents processed shall be noted in the log, along with the total hours spent in that work session. These records shall be kept for all work sessions for each individual worker.

## **VI. Missing and Restored Instruments**

- A. When a missing instrument, or a multiple-instrument gap in instruments, is identified:
  1. Conduct a records area search in case the instrument was simply misfiled.
  2. If the instrument is not located that same day, a Missing Instrument Form shall be provided for each individual instrument that is missing. The original shall be placed in the Missing and Restored Instruments Binder under a tab entitled "Missing" and a copy shall be provided to the OAB.
  3. A log of missing instruments and restored instruments shall be kept and readily available for inspection.
- B. The Missing Instrument Form shall include all information known regarding the following:
  1. Name of Permit Holder;
  2. Name of Licensee reporting;
  3. Date of Report which should be the same date the missing instrument was identified; and
  4. Instrument Description, including:
    - a. Type of instrument;
    - b. Where the missing instrument should have been located (i.e. Book and Page or Reception Number);
    - c. Reception Number, Case Number, or Cabinet Number;
    - d. Any other known identifying numbers or names;

- e. Grantor and Grantee or Defendant or Petitioner and Plaintiff or Respondent (if applicable);
- f. Day, Date, and Year of filing;
- g. Legal Description (if applicable); and
- h. All other information known that could assist in recovery of the instrument.

C. Legal methods for restoring missing instruments are outlined in Title 67 of the Oklahoma Statutes.

D. When a previously missing instrument is located or restored, a Restored Instrument Form shall be completed and attached to the corresponding Missing Instrument Form, along with a copy of the instrument. This form shall be placed in the Missing and Restored Instruments Binder under a tab entitled "Restored."

1. Any instruments restored by a county officer, or an employee of a county officer, through retrieval from a microfilm archive or optical electronic archive, shall be by officially certified copies. All instruments restored in this manner shall also be reported on the Restored Instrument Form.

2. Any instruments located within the county records area after being reported missing shall also be reported on the Restored Instruments Form.

E. The Restored Instruments Form shall include blanks to be filled-out with the same information listed above in item VI.B, the Missing Instrument Form, as well as the following:

- 1. Date of Report which should be the same date the missing instrument was restored; and
- 2. All facts, if known, surrounding the restoration or re-appearance of the instruments in complete detail, including: a) who found it; b) who lost it; c) who restored it; d) how long it has been lost; e) where it was found; f) when it was found; g) how it was found; and h) any corroborating detail that identifies it as an official or original instrument.

## **VII. Important Notices**

A. False reporting to the OAB while building an Abstract Plant will result in revocation of your Permit and/or refusal to issue your Certificate of Authority, and/or civil fines for each occurrence.

B. The Missing and Restored Instruments Binder, indexing system, documents, Acquired and Indexed Instruments Logs, and employee licensing information shall be available for inspection by the OAB or its designee at the office where the development of the plant is conducted at all times during regular business hours.

C. Requests to deviate from any requirement specified in this checklist shall be made in writing to the OAB. A copy of this checklist, all requests for deviation, application for approval of indexing system, all other requests of the OAB and all approval correspondence from the OAB shall be kept on file in the listed office, and also must be available for inspection at all times during business hours.