



OKLAHOMA ABSTRACTORS BOARD

May 1, 2012

Oklahoma Abstractors Board

2401 N.W. 23rd Street, Suite 60B

P.O. Box 700076

Oklahoma City, OK 73107

Phone: (405) 522-5019

Fax: (405) 522-5503

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*****BULLETIN NO. 2012-003*****

The Oklahoma Abstractors Board has received several emails indicating that some abstractors are not showing court cases in their abstracts under their uniform abstract certificate. The term "complete abstract" contemplates the showing of full copies of those documents which are so important that the examiner needs and is entitled to have the full text before him when he makes his decision as to their effect. The only instance of partial proceedings of a case being shown in an abstract is if the case falls under the Simplification of Land Titles Act as set forth in Title Examination Standard 29.6, as follows:

29.6 ABSTRACTING

Abstracting relating to court proceedings under the Simplification of Land Titles Act, 16 O.S. § 62(b), (c) and (d), when the instruments have been entered or recorded for ten (10) years or more, as provided in the statute, shall be considered sufficient when there is shown the following in the abstract:

A. In sales by guardians or personal representatives, the deed and order confirming the sale.

B. In probate and partition proceedings in district court, the final decree and estate tax clearance unless not required by 58 O.S. § 912 or 68 O.S. § 815(d) or unless the estate tax lien is barred.

C. In general jurisdiction court sales under execution, the petition and other instruments, if any, showing defendants sued, the service upon defendants or their entry of appearance, the judgment, the deed and the court order directing the delivery thereof.

D. In general jurisdiction court partitions, or adjudications of ownership, the petition and other instruments, if any, showing defendants sued, the service upon defendants or their entry of appearance, the final judgment, any deed on partition, and any court order directing the delivery thereof.

The abstractor can make in substance the following notation: "other proceedings herein omitted by reason of 16 O.S. § 61 et seq., and Title Examination Standards Chapter 29."

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In addition, OAB Rule No.5:11-5-3, C (2), also states:

*“....(2) the records of the court clerk for the county in which the subject property is located which:
(A) disclose executions, court proceedings, pending suits, and liens of any kind affecting the title to said subject property; and
(B) judgments or transcripts of judgments against any of the parties appearing within the chain of title.*”

In some instances an attorney may request that a case not be shown in the abstract. When this happens the Abstractor must make a notation on the Uniform Abstract Certificate “All proceedings filed in Case # _____ have been omitted from abstract by request.”

Every abstractor should endeavor to furnish the most accurate and complete abstract possible. Doing so protects the consumer, our industry and title plants.