



OKLAHOMA ABSTRACTORS BOARD

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Guidelines for Developing a New Abstract Plant

Applicants to build a new abstract plant should carefully read and understand the Oklahoma Abstractors Act, Title 1 of the Oklahoma Statutes, and the Board's Rules, Title 5 of the Oklahoma Administrative Code, as well as these Guidelines. Both Title 1 and Title 5 are available on the Board's web site.

§ 1-21. Definitions.

As used in the Oklahoma Abstractors Act:

2. "Abstract plant" shall consist of a set of records in which an entry has been made of all documents or matters which legally impart constructive notice of matters affecting title to real property, any interest therein or encumbrances thereon, which are filed, recorded and currently available for reproduction in the offices of the county clerk and the court clerk in the county for which such abstract plant is maintained. Such records shall consist of:

a. an index in which notations of or references to any documents that describe the property affected are included, according to the property described or in which copies or briefs of all such documents that describe the property affected are sorted and filed according to the property described, which is compiled from the instruments of record affecting real property in the county offices and not copied or reproduced from any county index; and

b. an index or files in which all other documents, pending suits affecting real property and liens, except ad valorem taxes and special assessments, are posted, entered, or otherwise included, according to the name of the parties whose title to real property or any interest therein or encumbrances thereon is affected, which is compiled from the instruments of record affecting real property in the county offices and not copied from any county index;

5:2-1-2. Definitions

In addition to the terms defined in the Oklahoma Abstractors Act, the definitions of the following words and terms shall be applied when implementing the Act and rules adopted by the Board:

"Abstract Plant" shall consist of a set of records in which an entry has been made of all documents or matters which legally impart constructive notice of matters affecting title to real property, any interest therein or encumbrances thereon, which are filed, recorded and currently

available for reproduction in the offices of the county clerk and the court clerk in the county for which such abstract plant is maintained including any satellite offices for the county clerk or district court clerk. Such records shall consist of:

(A) a "**land index**" in which notations of or references to any documents that describe the property affected are included, according to the property described or in which copies or briefs of all such documents that describe the property affected are sorted and filed according to the property described which is compiled from the instruments of record affecting real property in the county and recorded in the county offices and not copied or reproduced from any county index:

(B) a "**name index**" compiled from the following:

(i) records from the court clerk sorted or filed according to the names of the parties listed in the pending suits which shall include but not be limited to probates, divorces, dissolutions of marriage, guardianships, and civil suits affecting real property; and,

(ii) records from the county clerk sorted or filed according to the names of the parties listed in the documents which shall include but not be limited to liens, tax warrants, statements of judgment, and any other documents which legally impart constructive notice of matters affecting title to real property, any interest therein or encumbrance thereon which are filed, recorded, and currently available for reproduction in the office of the county clerk. The index shall be compiled from instruments of record affecting real property in the office of the county clerk and not copied from any county index.

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 of developing the plant will be conducted. This location shall be where all of the records outlined in this checklist will be stored.

B. A "Development Plan" which shall include the following information: Explain and list, in detail, the process of compiling the documents, records or instruments required by law. Also, list all persons i.e. employees, contractors and vendors, if any, that will be searching, compiling, indexing and verifying any of said documents, records or instruments and how said tasks are to be completed.

C. A Master List which outlines all of the documents filed in the office of the **County Clerk** which legally impart constructive notice of matters affecting title to all real property within the county in which the permit is to be granted.

This list shall be divided into columns showing:

1. The name book, book number and page range of each book to be copied or scanned.
Example: Deed Book #1, Pages 1-500; and

2. All cabinets with identifying number range of each cabinet containing maps and plats.

Example of documents to be included, but not limited to:

Deed Books
Mortgage Books
Misc. Books
Power of Attorneys
Change of Names
Cert. of Fict. Partnerships, Limited Partnerships, LLC's
Judgments
Statement of Judgments
Federal Tax Liens
State Tax Liens
Mechanic's Liens
Books with any Tribal information possibly attaching to real estate
Inquire with the County Clerk if they have any such records

A copy of the county map reflecting all the Sections, Townships & Ranges, accompanied by a list of all Section, Townships and Ranges.

A list of all plats, subdivisions, surveys, preferably in alphabetical order.

D. A Master List which outlines all of the documents filed in the office of the **County Court Clerk** which legally impart constructive notice of matters affecting title to all real property within the county in which the permit is to be granted.

This list shall be divided into columns showing:

1. Case type; and
2. Number of cases for each year.

Example of cases to be included, but not limited to:

Divorces
Probates
Guardianships
Civils pertaining to real estate:
Foreclosures, Quiet Titles, Partitions, Condemnations, Breach of Contracts, etc.

E. A statement to the OAB in writing concerning the computer software-based indexing system to be used. The OAB shall approve the software system before beginning the development of the plant. A written application for software approval shall be made that includes:

1. Name, address, and contact information of the software developer.
2. Name of software, including software version.
3. Name of licensee who will be operating the computer during document acquisition and indexing.
4. Detailed description of how the system works including data input.
5. Copies of all reports the system can create.

6. A demonstration of the system to the OAB or its designee.

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

A. The County Records Bond shall be submitted to the OAB office within 48 hours of the permit being authorized by the Board.

B. Inquire of the Court and County Clerks regarding the completeness of the records and have them provide a letter of information to the OAB stating such.

C. The Permit is posted in the county offices near the work area. A list of all employees are posted near the posted Permit. Provide the County Clerk and Court Clerk with a list of employees that will be working in their offices, accompanied with a photo I.D.

Employees scanning documents or court cases do not have to be licensed. All employees performing licensed activities shall be licensed.

D. A note showing who recorded the entry. Initials or numbering system may be used, but it should be standardized with a key to the name and license number corresponding to those initials. This may also be kept in a separate log.

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.

III. Indexing System of County Clerk Records:

A. The indexing system shall be organized by property description 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 should 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, if applicable; and
7. May include remarks, if any.

IV. Indexing System of Court Clerk Records:

A. The indexing system shall be organized by property description 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 should 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, if applicable; and
7. May include remarks, if any.

V. Instrument Acquisition

§ 1-28. Independent Set of Abstract Books Required to Engage in Abstracting. *In addition to the bond required any person, firm, corporation, or other entity not engaged in the business of abstracting on January 1, 1984, desiring to enter into the business of compiling or abstracting titles to real estate in any of the counties of the State of Oklahoma from and after the passage of the Oklahoma Abstractors Act, shall have for use in such business an independent set of abstract books*

*or other system of indexes compiled from the instruments of record affecting real estate in the office of the county clerk, and **not copied from the indexes in said office**, showing in a sufficiently comprehensive form all instruments affecting the title to real property on file, of record and currently available for reproduction in the office of the **county clerk and court clerk** of the county wherein such business is conducted, provided that nothing in this section shall in any way be construed as to limit the liability of the holder of a certificate of authority to provide an abstract of title compiled and certified to in accordance with the Oklahoma Abstractors Act.*

- A. The applicant 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. Images can be obtained from a source that holds a contract with the county office, but must have the permission of the county clerk or court clerk.
- B. Use a logical process.
- 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.

VI. Missing and Restored Instruments

- A. When a missing instrument, or a multiple-instrument gap in instruments, is identified, Applicant shall:
 - 1. Conduct a records area search in case the instrument was simply misfiled; and
 - 2. Keep a log of missing instruments and restored instruments which shall be readily available for inspection.
- B. The Missing Instrument Form should include all information known:

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. **County Clerk's** Instrument Description, which includes:
 - a. Where the missing instrument should have been located (i.e. Book and Page or Reception Number);
 - b. Reception Number, Case Number, or Cabinet Number;
 - c. Any other known identifying numbers or names;
 - d. Grantor and Grantee, Defendant or Petitioner and Plaintiff or Respondent (if applicable); and
 - e. All other information known that could assist in recovery of the instrument.

5. **Court Clerk's** case description, including:

- a. Type of case, year and case number;
- b. Plaintiff or Respondent and Defendant or Petitioner, obtained from the Court Clerk's docket if accessible; and
- c. 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 surrounding the restoration or reappearance of the instruments in complete detail, including:
 - a. who found it;
 - b. who restored it;
 - c. where it was found;
 - d. when it was found;
 - e. how it was found; and
 - f. 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 these guidelines shall be made in writing to the OAB. A copy of these guidelines, all requests for deviation, 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 shall also be available for inspection at all times during business hours.

VIII. Quarterly reports

Permit holders shall submit a quarterly report to the Enforcement Committee to report progress of the building of their plant. This report shall consist of:

- A. A list of books scanned to date;
- B. A list of cases scanned, or information obtained, to date; and
- C. Status of the indexing process. State whether the indexing process has been started or not. Once the indexing process has begun, provide the following information:
 1. Explain the process and present an example of how the information is being input and provide a print-out of the information fields;
 2. Explain how the plats are being set up; and
 3. Each quarterly report shall reflect the progress of the indexing.