

### 5:11-5-3. Preparation of abstracts

- (a) **Type of abstract.** A certificate of authority holder shall cause the preparation of an abstract of title on real property which shall cover:
- (1) a fee simple estate, less and except oil, gas and other mineral interests; or
  - (2) upon the request of a customer, a fee simple estate including oil, gas, and other mineral interests; or
  - (3) oil, gas and other mineral interests.
- (b) **Abstract certificate.** The abstract certificate and caption sheet shall reflect an appropriate disclaimer regarding that which is excluded.
- (c) **Contents of abstract.** For the time period covered by the certification, an abstract of title shall include but not be limited to the following:
- (1) all instruments that have been filed for record and have been recorded in the office of the county clerk for the county in which the property is located which:
    - (A) legally impart constructive notice of matters affecting title to the subject property, any interest therein or encumbrances thereon;
    - (B) disclose executions, court proceedings, pending suits, and liens of any kind affecting the title to said real estate; and
    - (C) judgments or transcripts of judgments filed against any of the parties appearing within the chain of title.
  - (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.
  - (3) all ad valorem tax liens due and unpaid against said real estate, tax sales thereof unredeemed, tax deeds, unpaid special assessments certified to the office of the county treasurer for the county in which the subject property is located due and unpaid, tax sales thereof unredeemed, and tax deeds given thereon, and unpaid personal property taxes which are a lien on said real estate.
- (d) **Federal court certificate.** Upon request of a consumer, a holder of a certificate of authority in Muskogee, Okmulgee, Oklahoma, and Tulsa counties may certify to the records of the Clerk of the United States District Court and the Clerk of the United States Bankruptcy Court for such federal judicial districts located in such counties for the time period covered by the certification, that disclose:
- (1) executions, court proceedings, pending suits and bankruptcy proceedings in said courts affecting title to the subject property; and
  - (2) judgments or transcripts of judgments filed against any of the parties appearing within the chain of title.
- (e) **Final certification for title insurance.** For purposes of a title insurance policy, a certificate of authority holder in the county where the insured property is located shall prepare either of the following:
- (1) an extension of the abstract or supplemental abstract; or
  - (2) a final title report after a final title search has been conducted. The final title report shall include all information required for an abstract of title pursuant to the Act and these rules, and shall be certified up to and including the effective date of the title insurance policy.
- (f) **Other services.** Any service performed or product produced by the holder of a certificate of authority that does not qualify as an abstract of title or final title report shall not be designated as an abstract of title and shall not include an abstract certificate.
- (g) **Statement of abstracting charges.** All charges for abstracts, abstract extensions, supplemental abstracts, or final title reports shall be separately stated and shall not be combined with title insurance,

closing fees, or examination charges on invoices, statements, settlement statements, and consumer estimates.

**(h) Electronic Abstracts.**

(1) Electronic Abstracts may be provided by the holder of a certificate of authority in the county in which the property is located.

(2) If a certificate of authority holder offers electronic abstracts, a customer shall have the option of requesting and receiving a paper abstract.

~~(23)~~ Any charge for an Electronic Abstract must be the same as a paper Abstract of Title pursuant to 1 Okla. Stat. §41.

~~(34)~~ Any separate charge for the conversion of an Abstract of Title from paper format to electronic format or from electronic format to paper format must be disclosed on the "Abstract Fee Schedule" filed and approved by the Oklahoma Abstractors Board.

~~(45)~~ The conversion of an Abstract of Title from paper format to electronic format or from electronic format to paper format must be conducted ~~by a licensed abstractor employed by under the supervision of~~ a holder of a certificate of authority, ~~for the county in which the property is located, or designee under the supervision of such holder of a certificate of authority, who shall certify to its conversion from one format to the other and to its completeness.~~ Any such conversion shall be documented by a notation on the last certificate converted stating the company conducting the conversion and type of conversion. If an electronic copy of an abstract is created by a certificate of authority holder of a county other than where the property is located, the original abstract must be preserved.

(6) Abstracts that have had a format conversion prior to the enactment of this rule will not be required to have a conversion notation.