

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 SENATE BILL 925

By: Hamilton

6 AS INTRODUCED

7 An Act relating to frauds; creating a criminal
8 penalty and providing for certain imprisonment or
9 fine; requiring county clerk to post certain signage;
10 providing for filing of certain acknowledgement and
affidavit; providing for certain judicial process;
providing certain form order; providing for
codification; and providing an effective date.

11

12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 1534 of Title 21, unless there
15 is created a duplication in numbering, reads as follows:

16 A. A person commits deed theft when he or she:

17 1. Intentionally alters, falsifies, forges, or misrepresents a
property document such as a residential or commercial deed or title,
18 with the intent to deceive, defraud, or unlawfully transfer or
19 encumber the ownership rights of residential or commercial property;

20 2. With intent to defraud, misrepresents himself or herself as
the owner or authorized representative of a residential or
21 commercial real property to induce others to rely on such false

1 information in order to obtain ownership or possession of such real
2 property; or

3 3. With intent to defraud, takes, obtains, steals, or transfers
4 title or ownership of real property by fraud, forgery, larceny, or
5 any other fraudulent or deceptive practice.

6 B. A person that procures or places upon record any conveyance
7 of real estate with intent to deceive any person as to the veracity
8 of the document recorded is guilty of a felony punishable by
9 imprisonment in the custody of the Department of Corrections for not
10 more than three (3) years, or a fine not more than Five Thousand
11 Dollars (\$5,000.00), or by both such imprisonment and fine.

12 C. A person that knowingly and willfully drafts or submits a
13 document to be filed and recorded with a register of deeds in this
14 state with intent to defraud the owner of real estate or the owner
15 of an interest in real estate is guilty of a felony punishable by
16 imprisonment in the custody of the Department of Corrections for not
17 more than ten (10) years, or a fine not more than Five Thousand
18 Dollars (\$5,000.00), or by both such imprisonment and fine.

19 SECTION 2. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 1534.1 of Title 21, unless there
21 is created a duplication in numbering, reads as follows:

22 A county clerk shall post a sign, in letters at least one inch
23 in height, that is clearly visible to the general public in or near
24 the clerk's office stating that it is a crime to intentionally or

1 knowingly file a fraudulent court record or a fraudulent instrument
2 with the clerk.

3 SECTION 3. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1534.2 of Title 21, unless there
5 is created a duplication in numbering, reads as follows:

6 A. A person against whom a purported document was rendered who
7 has reason to believe that a document previously filed or recorded
8 or submitted for filing or for filing and recording is fraudulent
9 may complete and file with the court clerk a motion, verified by
10 affidavit by a completed form for ordinary certificate of
11 acknowledgement. The form and affidavit shall be substantially as
12 follows:

13 Cause No. _____

14 IN RE: A PURPORTED FRAUDULENT LIEN/CLAIM ON PROPERTY

15 Name of Purported Debtor: _____

16 In the District Court of _____, Oklahoma

17 Now Comes _____ (Name) and files this motion requesting a
18 judicial determination of the status of documentation or an
19 instrument purporting to create an interest in real or personal
20 property or a lien or claim on real or personal property or an
21 interest in real or personal property filed in the office of the
22 County Clerk of _____ County, Oklahoma, and in support of the
23 motion would show the court as follows:

24 I.
-
-

_____(Name), hereafter movant, is the purported obligor or debtor or person who owns the real or personal property or the interest in real or personal property described in the documentation or instrument.

II.

On _____ (Date), in the exercise of the county clerk's official duties as County Clerk of _____ County, Oklahoma, the county clerk received and filed and recorded the documentation or instrument attached hereto containing _____ number of pages. The documentation or instrument purports to have created a lien on real or personal property or an interest in real or personal property against one _____ (Name of Purported Debtor).

Additional Purported Debtors, if any:

1

Movant alleges that the documentation or instrument attached hereto is fraudulent, and that the documentation or instrument should therefore not be accorded lien status.

IV.

Movant attests that assertions herein are true and correct.

Movant does not request the court to make a finding as to any underlying claim of the parties involved and acknowledges that this motion does not seek to invalidate a legitimate lien. Movant further acknowledges that movant may be subject to sanctions if this motion is determined to be frivolous.

1 PRAYER

2 Movant requests the court to review the attached documentation
3 or instrument and enter an order determining whether the property
4 should be accorded lien status, together with such other orders as
5 the court deems appropriate.

6 Respectfully submitted,

7 Signature: _____

8 Print Name: _____

9 Address: _____

10 Phone Number: _____

11 AFFIDAVIT

12 The State of Oklahoma

13 County of _____

14 BEFORE ME, the undersigned authority, personally appeared
15 _____, who, being by me duly sworn, deposed as follows:

16 "My name is _____. I am over 21 years of age, of sound mind,
17 with personal knowledge of the following facts, and fully competent
18 to testify.

19 I further attest that the assertions contained in the
20 accompanying motion are true and correct."

21 SUBSCRIBED AND SWORN TO before me, this _____ day of

22 _____, _____.
23 _____

24 NOTARY PUBLIC, State of Oklahoma

1 _____
2 Notary's Printed Name
3
4 My Commission Expires: _____

5 _____, of lawful age, first being duly sworn, upon oath deposes
6 and says: That such person is a citizen of the United States, is
7 over 18 years of age, that such person has been a bona fide resident
8 of the state for one year, of such county six months and in _____
9 precinct thirty (30) days next preceding this date; that such person
10 came to his or her present residence from _____, and is a
11 legally qualified elector in the precinct on this day and has not
voted in the election.

12 Subscribed and sworn to before me this _____ day of _____
13 A.D. ____ (year).

14
15 Special Election Commissioner.

16 B. A motion under this section may be ruled on by a district
17 judge having jurisdiction over real property matters in the county
18 such document was filed. The court's finding may be made solely on
19 review of the documentation or instrument attached to the motion and
20 without hearing any testimonial evidence. The court's review may be
21 made ex parte without delay or notice of any kind. An appellate
22 court shall expedite review of a court's finding under this section.

23 C. The court clerk shall not collect a filing fee for filing a
24 motion under this section.
25

D. After reviewing the documentation or instrument attached to a motion under this section, the district judge shall enter an appropriate finding of fact and conclusion of law, which must be filed and indexed in the same class of records in which such document was originally filed. A copy of the finding of fact and conclusion of law shall be sent, by first class mail, to the movant and to the person who filed the fraudulent lien or claim at the last known address of each person within seven (7) days of the date that the finding of fact and conclusion of law is issued by the judge.

E. The court clerk shall not collect a fee for filing a district judge's finding of fact and conclusion of law under this section.

F. A suggested form order appropriate to comply with this section is as follows:

CAUSE NO.

IN RE: A PURPORTED FRAUDULENT LIEN/CLAIM ON PROPERTY

Name of Purported Debtor:

In the District Court of _____, Oklahoma

JUDICIAL FINDING OF FACT AND CONCLUSION OF LAW REGARDING A

DOCUMENTATION OR INSTRUMENT PURPORTING TO CREATE A FRAUDULENT LIEN

OB CLATM ON PROPERTY

On the _____ day of _____, in the above entitled and numbered cause, this court reviewed a motion, verified by affidavit, of and the documentation attached thereto. No testimony was

1 taken from any party, nor was there any notice of the court's
2 review, the court having made the determination that a decision
3 could be made solely on review of the documentation under the
4 authority vested in the court.

5 The court finds as follows (only an item checked and initialed
6 is a valid court ruling):

7 _____ The documentation or instrument attached to the motion
8 herein IS asserted against real or personal property or an interest
9 in real or personal property and:

10 _____(1) IS provided for by specific state or federal statutes
11 or constitutional provisions;

12 _____(2) IS created by implied or express consent or agreement
13 of the obligor, debtor, or the owner of the real or personal
14 property or an interest in the real or personal property, if
15 required under the laws of this state, or by consent of an agent,
16 fiduciary, or other representative of that person; or

17 _____(3) IS an equitable, constructive, or other lien imposed
18 by a court of competent jurisdiction created or established under
19 the constitution or laws of this state or of the United States.

20 _____ The (Purported Fraudulent Document or Instrument)
21 attached to this motion herein:

22 _____(1) IS NOT provided for by specific state or federal
23 statutes or constitutional provisions;

_____ (2) IS NOT created by implied or express consent or agreement of the obligor, debtor, or the owner of the real or personal property or an interest in the real or personal property, if required under the law of this state or by implied or express consent or agreement of an agent, fiduciary, or other representative of that person;

(3) IS NOT an equitable, constructive, or other lien imposed by a court of competent jurisdiction created by or established under the constitution or laws of this state or the United States; or

(4) IS NOT asserted against real or personal property or
an interest in real or personal property. There is no valid lien or
claim created by this documentation or instrument.

This court makes no finding as to any underlying claims of the parties involved, and expressly limits its finding of fact and conclusion of law to the review of a ministerial act. The county clerk shall file this finding of fact and conclusion of law in the same class of records as such documentation or instrument as was originally filed, and the court directs the county clerk to index it using the same names that were used in indexing the subject documentation or instrument.

SIGNED ON THIS THE _____ DAY OF _____ ,

Presiding Judge

1 SECTION 4. This act shall become effective November 1, 2025.
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