

# PENDING APPROVAL

## OKLAHOMA COUNTY BOARD OF COUNTY COMMISSIONERS

### AGENDA ITEM REQUEST SHEET

FOR THE 4-14-2010 AGENDA

**(THE DEADLINE IS ONE WEEK PRIOR TO THE DATE THE AGENDA IS TO BE POSTED)**

DEPARTMENT: COUNTY CLERKS OFFICE REQUESTED BY Carolynn Caudill

REQUISITION NO: \_\_\_\_\_

NAME OF FUNDS: \_\_\_\_\_

FUND NUMBERS: \_\_\_\_\_

PLEASE INITIAL IF PRIVACY/PROTECTED INFORMATION EXISTS: \_\_\_\_\_ YES  X  N/A

NUMBER OF ORIGINAL DOCUMENTS TO BE RETURNED TO YOUR DEPARTMENT: \_\_\_\_\_

AGENDA ITEM READS AS FOLLOWS:

Discussion and possible action to receive certified copy of Abstractor's Bond from First American Title & Trust Company of Oklahoma City in the amount of \$100,000 beginning on February 12, 2010 and ending on February 12, 2011. Requested by Carolynn Caudill, Oklahoma County Clerk. (Document Received)

*Frank W. Wishe, Chief Deputy*

APPROVED BY DA  
(If Applicable)

APPROVED BY ENGINEER  
(If Applicable)

APPROVED BY PURCHASING  
(If Applicable)

\_\_\_\_\_  
ASSISTANT DISTRICT ATTORNEY

\_\_\_\_\_  
COUNTY ENGINEER

\_\_\_\_\_  
PURCHASING AGENT

**Please initial if privacy/security protected information exist**

DISTRICT ATTORNEY – PRIVACY/SECURITY PROTECTED INFORMATION: \_\_\_\_\_ YES \_\_\_\_\_ N/A

COUNTY CLERK – PRIVACY/PROTECTED INFORMATION: \_\_\_\_\_ YES  X  N/A

**(NOTE: THE CHAIRMAN/CHIEF DEPUTY MUST APPROVE ALL EMERGENCY REQUESTS FOR ANY ITEM SUBMITTED AFTER THE DEADLINE)**

DATE OF REQUEST: \_\_\_\_\_ APPROVED BY: \_\_\_\_\_  
CHAIRMAN

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REQUEST FOR DISTRICT ATTORNEY LEGAL SERVICES

THIS FORM IS TO BE USED TO REQUEST ADVICE AND/OR REPRESENTATION FROM THE DISTRICT ATTORNEY'S OFFICE REGARDING THE COUNTY OF OKLAHOMA, COUNTY OFFICIALS AND EMPLOYEES AS REQUIRED BY SECTIONS 215.4, 215.5, 215.25 AND 215.26 OF TITLE 19 OF THE OKLAHOMA STATUTES.

IF ADVICE IS SOUGHT, THE REQUEST MUST BE SIGNED BY AN ELECTED COUNTY OFFICER. THIS FORM MUST BE FILLED OUT AND SUBMITTED TO THE CIVIL DIVISION OF THE OKLAHOMA COUNTY DISTRICT ATTORNEY'S OFFICE IN A TIMELY MANNER. ALL RESPONSES TO REQUESTS FOR ADVICE WILL BE IN WRITING.

IF THE REQUEST IS FOR LEGAL REPRESENTATION UNDER 19 O. S. SECTION 215.25, THE REQUEST MUST BE SUBMITTED IN WRITING EARLY ENOUGH TO PERMIT THE DISTRICT ATTORNEY'S OFFICE ADEQUATE TIME TO COMPLETE A THOROUGH "GOOD-FAITH-AND-COURSE-OF-EMPLOYMENT" INVESTIGATION AS CONTEMPLATED BY 19 O.S. SECTION 215.26.

DATE OF REQUEST: April 7, 2010 .

COUNTY DEPARTMENT MAKING REQUEST: County Clerk

STATE WITH SPECIFICITY, WHAT THE REQUEST IS AND WHY THE ASSISTANCE OF THE DISTRICT ATTORNEY'S OFFICE IS NEEDED:

*Please review the attached Abstractor's Bond from First American Title & Trust Company of Oklahoma City in the amount of \$100,000 beginning on February 12, 2010 and ending on February 12, 2011 as to form and legality.*

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**ATTACH ADDITIONAL DOCUMENTS AS APPROPRIATE.** (NOTE: Advice, reviews and approvals as to "form and legality" are based on the documentation and information provided to the District Attorney's Office. Please provide all relevant information when requesting an opinion or review from the District Attorney's Office).

*Carolynn Caudill* <sup>Chy Deputy</sup> of  
**Carolynn Caudill, County Clerk**  
**COUNTY OFFICER**

.....  
DATE RECEIVED BY DISTRICT ATTORNEY: Reviewed - 4/7/10

REPLY BY DISTRICT ATTORNEY: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*ok*  
*[Signature]*

**DAVID PRATER,**  
**DISTRICT ATTORNEY**

By: *[Signature]*

RECEIVED  
APR - 7 2010  
CIVIL DIVISION  
DISTRICT ATTORNEY

# PENDING APPROVAL



## FIRST AMERICAN TITLE & TRUST COMPANY

To: **State of Oklahoma ex rel. Oklahoma Abstractors Board**  
P.O. Box 700076  
Oklahoma City, OK 73107

County Clerk of Oklahoma County, Oklahoma

Bond Number: 033-0909

### ABTRACTOR'S COUNTY RECORDS BOND

*Title 1 Okla. Stat. §27*

That First American Title & Trust Company of Oklahoma City, Oklahoma, as Principal and authorized by the Oklahoma Abstractor Board to do business as an abstract company in Oklahoma County, State of Oklahoma; and **FIRST AMERICAN TITLE & TRUST COMPANY**, as Surety, and organized and existing under the laws of the State of Oklahoma, with its principal office in the City of Oklahoma City, State of Oklahoma, and authorized to do business in the State of Oklahoma as Surety, are held and firmly bound unto the State of Oklahoma in the sum of **One Hundred Thousand Dollars & NO/100's (\$100,000.00)** to the payment whereof, well and truly to be done the said Principal binds itself, its heirs, personal representatives, successors and assigns, and the Surety binds itself, its successors and assigns, jointly and severally.

WHEREAS, the Principal intends to engage in the business of abstracting and make abstracts of title to real estate in the County of Oklahoma, State of Oklahoma, for the term beginning on the 12th day of February, 2010, and ending the 12th day of February, 2011.

AND WHEREAS, the Oklahoma Abstractors Act (Title 1 Oklahoma Statutes and the Rules and Regulations of the Oklahoma Abstractors Board (Title 5 of the Oklahoma Administrative Code) require that this bond be filed, and pursuant to the Oklahoma Abstractors Act, the Principal binds itself to fully comply with said Law and Rules;

NOW, THEREFORE, during the term of this Bond, the Principal will in no way mutilate, deface or destroy any of the records of the County Offices to which it has access.

The Principal will pay to the State of Oklahoma ex rel Oklahoma Abstractors Board, to the above County, and to every person who may be damaged, the amount of damage actually done by it, its agents or employees, by mutilation, injury or destruction of any records of any County Office to which it may have access.

# PENDING APPROVAL

If all these things are fully done and performed during the term of this bond, then this obligation shall be null and void; otherwise it shall remain in full force and effect subject to the following conditions:

1. The liability of the Surety shall be limited to the actual damages sustained by the State of Oklahoma ex rel Oklahoma Abstractors Board, the above County of the State of Oklahoma, any person, firm, corporation or association caused by any default of the Principal. The aggregate liability of the Surety during the entire term of the bond shall not exceed the amount state above.

2. This bond may be surrendered and cancelled at any time and the Surety is exonerated from all liability for any future breach of the obligations under this bond either upon the surrender of the Certificate of Authority of the Principal to the Oklahoma Abstractors Board, or upon filing a new bond on behalf of the Principal with, and approval of the Oklahoma Abstractors Board, but the Surety shall not be released as to any default occurring during the term of this bond.

This obligation may be continued from year to year by a continuation certificate signed by the Surety, or by its Attorney-in-Fact under seal.

SIGNED AND DATED, this 29<sup>th</sup> day of March, 2010.

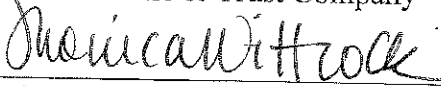
PRINCIPAL:

**First American Title & Trust Company, also doing  
business as First American Title & Abstract Company**

By:   
**Kimes Branning, Vice President**

SURETY:

**First American Title & Trust Company**

By:   
**Monica A. Wittrock, President**

Approved this 30 day of March, 2010.

By:   
**Oklahoma Abstractors Board**

This is a true and correct copy of  
ABSTRACTORS BOND on file in  
the office of Oklahoma Abstractors  
Board.

Date 3/30/10

By:   
**Executive Director**