

1 ENGROSSED SENATE
2 BILL NO. 346

By: Bice of the Senate

3 and

4 McCall of the House

5
6 An Act relating to property subject to forced sale;
7 amending 12 O.S. 2011, Section 759, which relates to
8 appraisal of property; modifying procedure for
9 appraisal of property; requiring written affidavit of
10 impartiality; establishing requirements for estimates
11 obtained from certain legal entities; and providing
12 an effective date.

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

14 SECTION 1. AMENDATORY 12 O.S. 2011, Section 759, is
15 amended to read as follows:

16 Section 759. A. When a general execution is issued and placed
17 in the custody of a sheriff for levy, a certified copy of the
18 execution shall be filed in the office of the county clerk of the
19 county whose sheriff holds the execution and shall be indexed in the
20 same manner as judgments. At the time the execution is filed, the
21 court clerk shall collect from the party seeking a general execution
22 all fees necessary for the payment of the disinterested persons or a
23 legal entity for ~~their~~ services in appraising ~~of~~ the subject
24 property pursuant to the requirements of subsection B of this
section.

1 B. If a general or special execution is levied upon lands and
2 tenements, the sheriff shall endorse on the face of the writ the
3 legal description and shall have three disinterested persons who
4 have taken an oath to impartially appraise the property levied on or
5 a legal entity which has provided a written affidavit of
6 impartiality, upon actual view; and the disinterested persons or
7 legal entity shall return to the officer ~~their~~ a signed estimate of
8 the real value of the property. If an estimate is obtained from a
9 disinterested legal entity, such estimate shall be developed by the
10 legal entity using at least three independent, credible sources,
11 each of which has estimated the real value of the subject property
12 independently. The disinterested persons or legal entity shall be
13 paid for ~~their~~ such services by the court clerk of the county where
14 the property is located within thirty (30) days of the date that
15 they return their estimate of the real value of the property.

16 C. To extend a judgment lien beyond the initial or any
17 subsequent statutory period, prior to the expiration of such period,
18 a certified copy of one of the following must be filed and indexed
19 in the same manner as judgments in the office of the county clerk in
20 the county in which the statement of judgment was filed and the lien
21 thereof is sought to be retained:

- 22 1. A general execution upon the judgment;
- 23 2. A notice of renewal of judgment;
- 24 3. A garnishment summons issued against the judgment debtor; or

1 4. A notice of income assignment sent to a payor of the
2 judgment debtor.

3 SECTION 2. This act shall become effective November 1, 2019.

4 Passed the Senate the 4th day of March, 2019.

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Presiding Officer of the Senate

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8 Passed the House of Representatives the ____ day of _____,
9 2019.

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Presiding Officer of the House
of Representatives

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