

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 ENGROSSED SENATE  
5 BILL NO. 956

By: Boren of the Senate

and

6 Caldwell (Trey) of the  
7 House

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9  
10 An Act relating to levy on property; amending 12 O.S.  
11 2021, Section 759, which relates to appraisalment of  
12 property; authorizing alternative method of valuation  
13 of property under certain circumstances; allowing  
14 sheriff to collect certain administrative fee; and  
15 providing an effective date.

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

17 SECTION 1. AMENDATORY 12 O.S. 2021, Section 759, is  
18 amended to read as follows:

19 Section 759. A. When a general execution is issued and placed  
20 in the custody of a sheriff for levy, a certified copy of the  
21 execution shall be filed in the office of the county clerk of the  
22 county whose sheriff holds the execution and shall be indexed in the  
23 same manner as judgments. At the time the execution is filed, the  
24 court clerk shall collect from the party seeking a general execution  
all fees necessary for the payment of the disinterested persons or a

1 legal entity for services in appraising the subject property  
2 pursuant to the requirements of subsection B of this section.

3 B. If a general or special execution is levied upon lands and  
4 tenements, the sheriff shall endorse on the face of the writ the  
5 legal description and shall have three disinterested persons who  
6 have taken an oath to impartially appraise the property levied on or  
7 a legal entity which has provided a written affidavit of  
8 impartiality, upon actual view; and the disinterested persons or  
9 legal entity shall return to the officer a signed estimate of the  
10 real value of the property. If an estimate is obtained from a  
11 disinterested legal entity, such estimate shall be developed by the  
12 legal entity using at least three independent, credible sources,  
13 each of which has estimated the real value of the subject property  
14 independently. The disinterested persons or legal entity shall be  
15 paid for such services by the court clerk of the county where the  
16 property is located within thirty (30) days of the date that they  
17 return their estimate of the real value of the property. If three  
18 disinterested persons or a disinterested legal entity are not  
19 available to appraise the property, the sheriff may use the market  
20 value of the property, not the assessed value, in a county where the  
21 market value is included on the public record in the office of the  
22 county assessor. The sheriff shall be paid an administrative fee of  
23 Fifty Dollars (\$50.00) if the market value is obtained from the  
24 county assessor.

1 C. To extend a judgment lien beyond the initial or any  
2 subsequent statutory period, prior to the expiration of such period,  
3 a certified copy of one of the following must be filed and indexed  
4 in the same manner as judgments in the office of the county clerk in  
5 the county in which the statement of judgment was filed and the lien  
6 thereof is sought to be retained:

- 7 1. A general execution upon the judgment;
- 8 2. A notice of renewal of judgment;
- 9 3. A garnishment summons issued against the judgment debtor; or
- 10 4. A notice of income assignment sent to a payor of the  
11 judgment debtor.

12 SECTION 2. This act shall become effective November 1, 2022.

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14 COMMITTEE REPORT BY: COMMITTEE ON COUNTY AND MUNICIPAL GOVERNMENT,  
15 dated 04/04/2022 - DO PASS.

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