

1 **SENATE FLOOR VERSION**

2 March 1, 2022

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 956

6 By: Boren

7 An Act relating to levy on property; amending 12 O.S.
8 2021, Section 759, which relates to appraisalment of
9 property; authorizing alternative method of valuation
10 of property under certain circumstances; allowing
11 sheriff to collect certain administrative fee; and
12 providing an effective date.

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

14 SECTION 1. AMENDATORY 12 O.S. 2021, 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 services in appraising the subject property
24 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 a signed estimate of the
8 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 such services by the court clerk of the county where the
14 property is located within thirty (30) days of the date that they
15 return their estimate of the real value of the property. If three
16 disinterested persons or a disinterested legal entity are not
17 available to appraise the property, the sheriff may use the market
18 value of the property, not the assessed value, in a county where the
19 market value is included on the public record in the office of the
20 county assessor. The sheriff shall be paid an administrative fee of
21 Fifty Dollars (\$50.00) if the market value is obtained from the
22 county assessor.

23 C. To extend a judgment lien beyond the initial or any
24 subsequent statutory period, prior to the expiration of such period,

1 a certified copy of one of the following must be filed and indexed
2 in the same manner as judgments in the office of the county clerk in
3 the county in which the statement of judgment was filed and the lien
4 thereof is sought to be retained:

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

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

11 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
12 March 1, 2022 - DO PASS AS AMENDED
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