

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 956

By: Boren

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5  
6 AS INTRODUCED

7 An Act relating to civil procedure; amending 12 O.S.  
8 2011, Section 759, as amended by Section 1, Chapter  
9 122, O.S.L. 2019 (12 O.S. Supp. 2020, Section 759),  
10 which relates to filing and index of execution;  
11 authorizing use of alternative valuation of certain  
12 property; requiring payment of administrative fee  
13 under certain circumstances; and providing an  
14 effective date.

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

16 SECTION 1. AMENDATORY 12 O.S. 2011, Section 759, as  
17 amended by Section 1, Chapter 122, O.S.L. 2019 (12 O.S. Supp. 2020,  
18 Section 759), is 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 or the sheriff shall use the current  
11 market value of the subject property appearing on public record in  
12 the office of the county assessor. If an estimate is obtained from  
13 a disinterested legal entity, such estimate shall be developed by  
14 the legal entity using at least three independent, credible sources,  
15 each of which has estimated the real value of the subject property  
16 independently. The disinterested persons or legal entity shall be  
17 paid for such services by the court clerk of the county where the  
18 property is located within thirty (30) days of the date that they  
19 return their estimate of the real value of the property. The  
20 sheriff shall be paid an administrative fee of Fifty Dollars  
21 (\$50.00) if the estimate is obtained from the county assessor.

22 C. To extend a judgment lien beyond the initial or any  
23 subsequent statutory period, prior to the expiration of such period,  
24 a certified copy of one of the following must be filed and indexed

1 in the same manner as judgments in the office of the county clerk in  
2 the county in which the statement of judgment was filed and the lien  
3 thereof is sought to be retained:

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

9 SECTION 2. This act shall become effective November 1, 2021.

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