

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2453

By: Virgin

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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 indexing of execution,
11 appraisement of property and extension of judgement
12 lien; providing that a sheriff may use the current
13 market value of the subject property appearing of
14 public record; providing that sheriff shall be paid
15 an administrative fee if using an estimate obtained
16 from the county assessor; and providing an effective
17 date.

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

19 SECTION 1. AMENDATORY 12 O.S. 2011, Section 759, as
20 amended by Section 1, Chapter 122, O.S.L. 2019 (12 O.S. Supp. 2020,
21 Section 759), is amended to read as follows:

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

1 all fees necessary for the payment of the disinterested persons or a
2 legal entity for services in appraising the subject property
3 pursuant to the requirements of subsection B of this section.

4 B. If a general or special execution is levied upon lands and
5 tenements, the sheriff shall endorse on the face of the writ the
6 legal description and shall have three disinterested persons who
7 have taken an oath to impartially appraise the property levied on or
8 a legal entity which has provided a written affidavit of
9 impartiality, upon actual view; and the disinterested persons or
10 legal entity shall return to the officer a signed estimate of the
11 real value of the property or the sheriff shall use the current
12 market value of the subject property appearing of public record in
13 the office of the county assessor. If an estimate is obtained from
14 a disinterested legal entity, such estimate shall be developed by
15 the legal entity using at least three independent, credible sources,
16 each of which has estimated the real value of the subject property
17 independently. The disinterested persons or legal entity shall be
18 paid for such services by the court clerk of the county where the
19 property is located within thirty (30) days of the date that they
20 return their estimate of the real value of the property. The
21 sheriff shall be paid an administrative fee of Fifty Dollars
22 (\$50.00) if their estimate is obtained from the 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, 2021.

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12 58-1-6695 JL 12/22/20

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