

An Act

ENROLLED HOUSE
BILL NO. 3467

By: Moore of the House

and

Howard of the Senate

An Act relating to partition; amending 12 O.S. 2021, Section 1513, which relates to sale of property; authorizing division of property for certain purposes; requiring sealed bid auction for certain property upon court order; establishing procedures for sealed bid auction for certain property; authorizing court to order sale of certain property by public auction upon certain finding; establishing procedures for certain auction; authorizing certain sale terms for certain property; establishing procedures for court approval of certain sale; requiring execution and delivery of deeds by sheriff under certain circumstances; defining term; and providing an effective date.

SUBJECT: Partition

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

SECTION 1. AMENDATORY 12 O.S. 2021, Section 1513, is amended to read as follows:

Section 1513. A. If none of the parties elect to take the property at the valuation, or if ~~several~~ two or more of the parties elect to take the same property at the valuation, in opposition to each other, the court shall make an order directing the sale of the property. Upon agreement of all parties, the court may partition a portion of the property in kind and order the balance of the property to be partitioned by sale. If the court order directs the sale due to two or more opposing parties electing to take the property at the same valuation, the court shall hold a sealed bid auction between or among the opposing parties. The court shall set a date, not less than ten (10) days after the closing of the

election to take the property at valuation, by which the parties shall submit a sealed bid to the court of their best and final offer for the property, which shall be at least the appraised value set by the commissioners. The court shall set a hearing to open all sealed bids, the property shall be sold to the party submitting the highest bid and, upon the court's final approval and confirmation of the sale, the sheriff shall execute and deliver one or more sheriff's deed or deeds in accordance with the order of the court. Unless the court orders a sale by public auction conducted by an auctioneer pursuant to subsection B of this section, the court shall direct the sheriff of the county to sell the ~~same~~, property in the same manner as in sales of real estate on execution; but no sale, whether by sheriff or auctioneer, shall be made at less than two-thirds (2/3) of the valuation placed upon the property by the commissioners.

B. Any property to be partitioned by sale may be sold at a public auction conducted by an auctioneer in lieu of a sale by sheriff. Upon the request of a party, the court may order a sale of the property at a public auction conducted by an auctioneer if the court finds that such sale is likely to result in a higher aggregate net price than a sale by sheriff using the procedures for sales of real estate on execution. Any sale by an auctioneer pursuant to this subsection shall be conducted in a manner consistent with the auction procedures and sale terms approved by the court, which may include provisions for:

1. Offering noncontiguous land as separate tracts;

2. Dividing any contiguous land into multiple tracts for purposes of the auction; or

3. Selling multiple tracts separately or in one or more combinations in a manner resulting in the highest total price.

After the auction, any party may report the auction results to the court and, upon the court's final approval and confirmation of the sale, the sheriff shall execute and deliver one or more sheriff's deed or deeds in accordance with the order of the court.

C. For purposes of this section, "auctioneer" means an individual or company that is licensed to sell real estate in this state and engaged in the business of selling real estate by public auction.

SECTION 2. This act shall become effective November 1, 2024.

Passed the House of Representatives the 9th day of May, 2024.

Presiding Officer of the House
of Representatives

Passed the Senate the 24th day of April, 2024.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____
day of _____, 20_____, at _____ o'clock _____ M.
By: _____

Approved by the Governor of the State of Oklahoma this _____
day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____
day of _____, 20_____, at _____ o'clock _____ M.
By: _____