

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                 STATE OF OKLAHOMA

3                                 2nd Session of the 59th Legislature (2024)

4     HOUSE BILL 3467

                               By: Moore of the House

5   and

6   **Howard** of the Senate

7

8

9   AS INTRODUCED

10                   An Act relating to civil procedure; amending 12 O.S.  
11                   2021, Section 1513, which relates to partition by  
12                   sale; providing for some property to be divided in  
13                   kind while remaining property to be portioned by  
                           sale; providing procedure for subdividing property;  
                           providing procedure for sale; defining term; and  
                           providing an effective date.

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

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

19     Section 1513.   A.   If none of the parties elect to take the property  
20     at the valuation, or if several of the parties elect to take the  
21     same at the valuation, in opposition to each other, the court shall  
22     make an order directing the sale of the property. Unless the court  
23     orders a sale by public auction conducted by an auctioneer pursuant  
24     to subsection C of this Section 1513, the court shall direct the

1 sheriff of the county to sell the same, ~~in the same manner as in~~  
2 ~~sales of real estate on execution~~ property in the same manner as in  
3 sales of real estate on execution; but no sale (whether by sheriff  
4 or auctioneer) shall be made at less than two-thirds (2/3) of the  
5 valuation placed upon the property by the commissioners.

6 B. The Court may, upon the parties' agreement, partition some  
7 of the property in kind and order the balance of the property to be  
8 partitioned by sale.

9 C. Any property to be partitioned by sale may be sold at a  
10 public auction conducted by an auctioneer, in lieu of a sale by  
11 sheriff, in accordance with the provisions of this subsection C.  
12 Upon the request of an interested party, the court may order a sale  
13 of the property at a public auction conducted by an auctioneer if  
14 the court finds that such sale is likely to result in a higher  
15 aggregate net price than a sale by sheriff using the procedures for  
16 sales of real estate on execution. Any sale by an auctioneer  
17 pursuant to this subsection shall be conducted in a manner  
18 consistent with the auction procedures and sale terms approved by  
19 the court, which may include provisions for: (1) offering  
20 noncontiguous land as separate tracts; (2) dividing any contiguous  
21 land into multiple tracts for purposes of the auction; and/or (3)  
22 selling multiple tracts separately and/or in one or more  
23 combinations in a manner resulting in the highest total price.  
24 After the auction, any interested party may report the auction

1 results to the court and, upon the court's final approval and  
2 confirmation of the sale, the sheriff shall execute and deliver one  
3 or more sheriff's deed(s) in accordance with the order of the court.

4 D. For purposes of this section, "auctioneer" means an  
5 individual or company that is licensed to sell real estate in the  
6 State of Oklahoma and engaged in the business of selling real estate  
7 by public auction.

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

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10 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CIVIL, dated  
11 02/15/2024 - DO PASS, As Coauthored.

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