

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 1888

By: Waldron

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5
6 AS INTRODUCED

7 An Act relating to civil procedure; amending 12 O.S.
8 2021, Sections 1148.15 and 1148.16, which relate to
9 affidavit and summons form for unlawful entry and
10 detainer actions; removing affidavit form; directing
11 the Administrative Office of the Courts to promulgate
12 clear and understandable form for forcible entry and
13 detainer action affidavits; removing summons form;
14 directing the Administrative Office of the Courts to
15 promulgate clear and understandable form for forcible
16 entry and detainer action summons; providing timing
17 requirements for summons delivery; and providing an
18 effective date.

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

20 SECTION 1. AMENDATORY 12 O.S. 2021, Section 1148.15, is
21 amended to read as follows:

22 Section 1148.15 The actions for unlawful entry and detainer,
23 commonly known as an eviction, standing alone or when joined with a
24 claim for collection of rent or damages to the premises, or both,
shall be commenced by filing an affidavit ~~in substantially the~~
~~following form with the clerk of the court:~~ with the clerk of the
court. This affidavit is to be developed by the Administrative
Office of the Courts using plain and understandable language.

1 ~~In the District Court, County of _____,~~

2 ~~State of Oklahoma.~~

3 _____

4 Plaintiff

5 vs. _____ No. _____

6 _____

7 Defendant

8 ~~STATE OF OKLAHOMA)~~

9 ~~) ss~~

10 ~~COUNTY OF _____)~~

11 AFFIDAVIT

12 _____, being duly sworn, deposes and says:

13 The defendant resides at _____, in the
14 above-named county, and defendant's mailing address is

15 _____

16 _____.

17 The defendant is indebted to the plaintiff in the sum of
18 \$ _____ for rent and for the further sum of \$ _____ for
19 damages to the premises rented by the defendant; the plaintiff has
20 demanded payment of said sum(s) but the defendant refused to pay the
21 same and no part of the amount sued for herein has been paid,

22 and/or

23 the defendant is wrongfully in possession of certain real property
24 described as

1 _____

2 _____;

3 ~~the plaintiff is entitled to possession thereof and has made demand~~
4 ~~on the defendant to vacate the premises, but the defendant refused~~
5 ~~to do so.~~

6 _____

7 Subscribed and sworn to before me this _____ day of _____,
8 19__.

9 _____

10 _____ Notary Public (or Clerk or
11 Judge)

12 SECTION 2. AMENDATORY 12 O.S. 2021, Section 1148.16, is
13 amended to read as follows:

14 Section 1148.16 The summons to be issued in an action for
15 forcible entry and detainer, commonly known as an eviction, shall be
16 in the following a form: developed in plain and understandable
17 language by the Administrative Office of the Courts. The summons
18 shall be delivered no less than three (3) days before the scheduled
19 time and date of the court hearing. This scheduled date and time
20 shall not be less than five (5) days from the date the summons is
21 issued.

22 SUMMONS

23 ~~The State of Oklahoma to the within-named defendant:~~

24

1 ~~You are hereby directed to relinquish immediately to the~~
2 ~~plaintiff herein total possession of the real property described as~~
3 _____
4 ~~or to appear and show cause why you should be permitted to retain~~
5 ~~control and possession thereof.~~

6 This matter shall be heard at _____ (name or
7 address of building), in _____, County of _____,
8 State of Oklahoma, at the hour of _____ o'clock of _____ day of
9 _____ month, 19____, or at the same time and place three (3) days
10 after service hereof, whichever is the latter. (This date shall be
11 not less than five (5) days from the date summons is issued). You
12 are further notified that if you do not appear on the date shown,
13 judgment will be given against you as follows:

14 ~~For the amount of the claim for deficient rent and/or damages to~~
15 ~~the premises, as it is stated in the affidavit of the plaintiff and~~
16 ~~for possession of the real property described in said affidavit,~~
17 ~~whereupon a writ of assistance shall issue directing the sheriff to~~
18 ~~remove you from said premises and take possession thereof.~~

19 ~~In addition, a judgment for costs of the action, including~~
20 ~~attorney's fees and other costs, may also be given.~~

21 Dated this _____ day of _____, 19____.

22 _____
23 _____ Clerk of the Court (or Judge)

24 _____

1 ~~Plaintiff or Attorney~~

2 _____

3 ~~Address~~

4 _____

5 ~~Telephone Number~~

6 SECTION 3. This act shall become effective November 1, 2023.

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