

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2792

By: Stinson

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5
6 AS INTRODUCED

7 An Act relating to civil procedure; amending 12 O.S.
8 2021, Sections 1172, 1173, 1173.2, 1173.4, 1174,
9 1178, 1178.1, 1178.2, and 1772, which relates to
10 court forms; providing that certain forms shall be
11 prescribed by the Oklahoma Bar Association; providing
12 that the Administrative Office of the Courts shall
13 make certain forms available to access on the
14 Oklahoma State Courts Network (OSCN) website; and
15 providing an effective date.

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

17 SECTION 1. AMENDATORY 12 O.S. 2021, Section 1172, is
18 amended to read as follows:

19 Section 1172. A. Garnishment proceedings, whether prejudgment
20 or postjudgment, shall be commenced by the filing of an affidavit,
21 on a form prescribed by the Oklahoma Bar Association. The
22 Administrative Office of the Courts shall provide public access to
23 the affidavit by providing a link to the form on the Oklahoma State
24 Courts Network (OSCN) website ~~Administrative Director of the~~
~~Courts~~, stating:

1. The name(s) of the plaintiff(s);

1 2. The name(s) of the defendant(s);

2 3. In the case of prejudgment garnishments, the amount of the
3 plaintiff's original claim against the defendant or defendants over
4 and above all offsets;

5 4. In the case of postjudgment garnishments, the amount of the
6 interest-bearing balance;

7 5. In the case of postjudgment garnishments, the rate and the
8 date the interest begins to accrue; and

9 6. That the plaintiff verily believes that some person, naming
10 him, whether within or without the county, is indebted to or has
11 property in his/her possession or under his control belonging to the
12 defendant, or either or any of the defendants, in the action or
13 execution and that the indebtedness or property is, to the best of
14 the knowledge and belief of the person making such affidavit, not by
15 law exempt from seizure or sale upon execution.

16 B. The affidavit may be filed by the plaintiff or the
17 plaintiff's attorney at or before the time of filing of a
18 garnishment summons.

19 C. Only one garnishee may be embraced in any affidavit or
20 garnishment summons.

21 SECTION 2. AMENDATORY 12 O.S. 2021, Section 1173, is
22 amended to read as follows:

23 Section 1173. A. Any judgment creditor may obtain a
24 noncontinuing lien on earnings. For the purposes of this section,

1 "earnings" means any form of payment to an individual including, but
2 not limited to, salary, commission, or other compensation, but does
3 not include reimbursements for travel expenses for state employees.

4 B. A noncontinuing earnings garnishment shall be commenced by
5 filing the affidavit provided for by Section 1172 of this title.

6 C. The form for the summons required by this section shall be
7 prescribed by the Oklahoma Bar Association ~~Administrative Office of~~
8 ~~the Courts.~~ The Administrative Office of the Courts shall provide
9 public access to the summons by providing a link to the form on the
10 Oklahoma State Courts Network (OSCN) website.

11 D. The summons shall be served upon the garnishee, together
12 with a copy of the judgment creditor's affidavit, a garnishee's
13 answer form, notice of garnishment and request for hearing, and
14 claim for exemptions, in the manner provided for in Section 2004 of
15 this title and shall be returned with proof of service within ten
16 (10) days of its date.

17 E. The garnishee's answer shall be on a form prescribed by the
18 Oklahoma Bar Association ~~Administrative Office of the Courts.~~ The
19 Administrative Office of the Courts shall provide public access to
20 the garnishee's answer by providing a link to the form on the
21 Oklahoma State Courts Network (OSCN) website.

22 F. Within seven (7) days after the end of the defendant's then-
23 current pay period or thirty (30) days from the date of service of
24 the garnishment summons, whichever is earlier, the garnishee shall

1 file the answer with the court clerk and the garnishee shall pay the
2 amount withheld from the pay period to the judgment creditor's
3 attorney or to the judgment creditor, if there is no attorney, with
4 a copy of the answer which shall state:

5 1. Whether the garnishee was the employer of or indebted or
6 under any liability to the defendant named in the notice in any
7 manner or upon any account for earnings or wages, specifying, as
8 applicable, the beginning and ending dates of the pay period
9 existing at the time of the service of the affidavit and summons,
10 the total amounts earned in the pay period, and all of the facts and
11 circumstances necessary to a complete understanding of the
12 indebtedness or liability. When the garnishee shall be in doubt
13 respecting the liability or indebtedness, the garnishee may set
14 forth all of the facts and circumstances concerning the same, and
15 submit the question to the court;

16 2. If the garnishee shall claim any setoff, defense, other
17 indebtedness, liability, lien, or claim to the property, the facts
18 and circumstances in the affidavit;

19 3. At the garnishee's option, any claim of exemption from
20 execution on the part of the defendant or other objection known to
21 the garnishee against the right of the judgment creditor to apply
22 the indebtedness or property disclosed;

23 4. If the garnishee shall disclose any indebtedness or the
24 possession of any property to which the defendant or any other

1 person makes claim, at the garnishee's option, the names and
2 addresses of other claimants and, so far as known, the nature of the
3 claims; and

4 5. That the garnishee has mailed or hand-delivered a copy of
5 the notice of garnishment and exemptions, application for hearing,
6 and the manner and date of compliance.

7 G. The garnishment summons served on the garnishee under this
8 section is a lien on the defendant's property due at the time of
9 service or the effective date of the summons to the extent the
10 property is not exempt from garnishment.

11 H. 1. A garnishment lien under this section has priority over
12 any subsequent garnishment lien or garnishment summons served on the
13 garnishee.

14 2. When a garnishment summons is served under this section on a
15 garnishee while a previous garnishment lien is still in effect, the
16 garnishee shall answer the subsequent garnishment lien or
17 garnishment summons by stating that the garnishee is presently
18 holding defendant's property under a previous garnishment lien or
19 garnishment summons and by giving the date when all previous
20 garnishment liens or garnishment summonses are expected to end.

21 I. 1. When a postjudgment noncontinuing earnings garnishment
22 under this section or a continuing earnings garnishment under
23 Section 1173.4 of this title is issued against a defendant already
24 subject to an income assignment for child support, the garnishee

1 shall determine the maximum percentage of the defendant's disposable
2 earnings according to the provisions of Section 1171.2 of this title
3 and then deduct from that percentage the actual percentage of the
4 defendant's disposable earnings actually withheld under the income
5 assignment. The resulting percentage shall be the amount to be
6 withheld by the garnishee, not to exceed twenty-five percent (25%).

7 2. For any involuntary legal or equitable procedures through
8 which the earnings of any individual are required to be withheld for
9 the payment of any debt which has statutory priority over this
10 section, the amount withheld pursuant to a garnishment under this
11 section shall be reduced by the actual sums withheld pursuant to
12 such other involuntary process.

13 J. A noncontinuing earnings garnishment may be suspended or
14 modified by the judgment creditor upon agreement with the judgment
15 debtor, which agreement shall be in writing and filed by the
16 judgment creditor with the clerk of the court in which the judgment
17 was entered. A copy of such agreement shall be mailed by first
18 class mail to the garnishee, postage prepaid by judgment creditor.

19 SECTION 3. AMENDATORY 12 O.S. 2021, Section 1173.2, is
20 amended to read as follows:

21 Section 1173.2 Upon the filing of such affidavit and the
22 undertaking and, when a hearing is required, after said hearing,
23 where the garnishment is for the collection of support, garnishee
24 summons shall be issued by the judge of the district court if

1 prejudgment garnishment is sought or by the clerk of the district
2 court if postjudgment garnishment is sought and served upon each of
3 the garnishees, in the manner provided for service of summons, and
4 shall be returned with proof of service within five (5) days of its
5 date except when issued to another county it shall be returned with
6 proof of service within ten (10) days from its date. The garnishee
7 summons shall be on a form prescribed by the Oklahoma Bar
8 Association ~~Administrative Office of the Courts.~~ The Administrative
9 Office of the Courts shall provide for public access to the
10 garnishee summons by providing a link to the form on Oklahoma State
11 Courts Network (OSCN) website.

12 SECTION 4. AMENDATORY 12 O.S. 2021, Section 1173.3, is
13 amended to read as follows:

14 Section 1173.3 A. A general garnishment shall be commenced by
15 filing the affidavit provided for by Section 1172 of this title.

16 B. The summons required by this section shall be on a form
17 prescribed by the Oklahoma Bar Association ~~Office of the~~
18 ~~Administrative Director of the Courts.~~ The Administrative Office of
19 the Courts shall provide public access to the summons by providing a
20 link to the form on the Oklahoma State Courts Network (OSCN)
21 website.

22 C. The summons required by subsection B of this section shall
23 be served upon the garnishee together with a copy of the judgment
24 creditor's affidavit, a garnishee's answer form, notice of

1 garnishment and request for hearing, and claim for exemptions in the
2 manner provided for in Section 2004 of this title and shall be
3 returned with proof of service within ten (10) days of its date.

4 D. The garnishee's answer shall be on a form prescribed by the
5 Oklahoma Bar Association Office of the Administrative Director of
6 the Courts. The Administrative Office of the Courts shall provide
7 public access to the garnishee's answer by providing a link to the
8 form on the Oklahoma State Courts Network (OSCN) website.

9 E. Within ten (10) days after service of the garnishment, the
10 garnishee shall file its answer with the court clerk and pay or
11 deliver to the judgment creditor's attorney or to the judgment
12 creditor if there is no attorney the indebtedness or property
13 belonging to or owed to the defendant, together with a copy of the
14 answer which shall state:

15 1. Whether the garnishee was indebted or under any liability to
16 or had in garnishee's possession or control, any property belonging
17 to the defendant. When the garnishee shall be in doubt respecting
18 any such liability or indebtedness, the garnishee may set forth all
19 of the facts and circumstances concerning the same, and submit the
20 question to the court;

21 2. If the garnishee shall claim any setoff, defense, other
22 indebtedness, liability, lien, or claim to the property, the facts
23 and circumstances;

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1 3. At the garnishee's option, any claim of exemption from
2 execution on the part of the defendant, or other objection known to
3 the garnishee against the right of the judgment creditor to apply
4 the indebtedness or property disclosed;

5 4. If the garnishee shall disclose any indebtedness or the
6 possession of any property to which the defendant or any other
7 person makes claim, at the garnishee's option, the names and
8 addresses of such other claimants and, so far as known, the nature
9 of the claims; and

10 5. That the garnishee has mailed or hand-delivered a copy of
11 the notice of garnishment and exemptions, application for hearing,
12 and the manner and date of compliance.

13 F. The garnishment summons and affidavit served on the
14 garnishee under this section are a lien on the defendant's property
15 due at the time of service of the summons to the extent the property
16 is not exempt from garnishment.

17 SECTION 5. AMENDATORY 12 O.S. 2021, Section 1173.4, is
18 amended to read as follows:

19 Section 1173.4 A. Any judgment creditor may obtain a
20 continuing lien on earnings. For the purposes of this section,
21 "earnings" means any form of payment to an individual including, but
22 not limited to, salary, wages, commission, or other compensation,
23 but does not include reimbursements for travel expenses for state
24 employees.

1 B. A continuing earnings garnishment shall be commenced by
2 filing the affidavit provided for by Section 1172 of this title.

3 C. The summons required by this section shall be on a form
4 prescribed by the Oklahoma Bar Association ~~Office of the~~
5 ~~Administrative Director of the Courts.~~ The Administrative Office of
6 the Courts shall provide public access to the summons by providing a
7 link to the form on the Oklahoma State Courts Network (OSCN)
8 website.

9 D. The summons required by this section shall be served upon
10 each of the garnishees, together with a copy of the judgment
11 creditor's affidavit, a garnishee's answer form, notice of
12 garnishment and request for hearing, and claim for exemptions, in
13 the manner provided for in Section 2004 of this title and shall be
14 returned with proof of service within ten (10) days of its date.

15 E. The garnishee's answer shall be on a form prescribed by the
16 Oklahoma Bar Association ~~Office of the Administrative Director of~~
17 ~~the Courts.~~ The Administrative Office of the Courts shall provide
18 public access to the garnishee's answer by providing a link to the
19 form on the Oklahoma State Courts Network (OSCN) website.

20 F. Within seven (7) days after the end of each pay period, or,
21 if the judgment debtor does not have regular pay periods or is not
22 paid by the garnishee within thirty (30) days from the date of the
23 garnishment summons, and after any payment by the garnishee to the
24 judgment debtor, the garnishee shall file an answer with the court

1 clerk, and pay the amount withheld to the judgment creditor's
2 attorney or to the judgment creditor, if there is no attorney,
3 together with a copy of the answer which shall state:

4 1. Whether the garnishee was the employer of the defendant
5 named in the notice, was indebted to the defendant, or was under any
6 liability to the defendant in any manner or upon any account for
7 earnings, specifying the beginning and ending dates of the pay
8 period, if applicable, existing at the time of the service of the
9 affidavit and summons, the total amounts earned in the entire pay
10 period, and all of the facts and circumstances necessary to a
11 complete understanding of any indebtedness or liability. When the
12 garnishee shall be in doubt respecting the liability or
13 indebtedness, the garnishee may set forth all of the facts and
14 circumstances concerning the same, and submit the question to the
15 court;

16 2. If the garnishee shall claim any setoff, defense, other
17 indebtedness, liability, lien, or claim to the property, the facts
18 and circumstances in the affidavit;

19 3. At the garnishee's option, any claim of exemption from
20 execution on the part of the defendant or other objection known to
21 the garnishee against the right of the judgment creditor to apply
22 the indebtedness or property disclosed;

23 4. If the garnishee shall disclose any indebtedness or the
24 possession of any property to which the defendant or any other

1 person makes claim, at the garnishee's option, the names and
2 addresses of other claimants and, so far as known, the nature of
3 their claims; and

4 5. That the garnishee has mailed or hand-delivered a copy of
5 the notice of garnishment and exemptions, application for hearing,
6 and the manner and date of compliance.

7 G. The garnishment summons served on the garnishee under this
8 section is a lien on the defendant's property due at the time of
9 service or the effective date of the summons, to the extent the
10 property is not exempt from garnishment. This lien attaches to
11 subsequent nonexempt earnings until one of the following occurs:

12 1. The judgment against the defendant is vacated, modified, or
13 satisfied in full;

14 2. The summons is dismissed; or

15 3. One hundred eighty (180) days from the effective date of the
16 summons have elapsed; provided, an affidavit and summons shall
17 continue in effect and shall apply to a pay period beginning before
18 the end of the one-hundred-eighty-day period even if the conclusion
19 extends beyond the end of the period.

20 H. 1. A garnishment lien under this section has priority over
21 any subsequent garnishment lien or garnishment summons served on the
22 garnishee during the period it is in effect, regardless of whether
23 the amounts withheld by the garnishee are reduced by the court or by
24 agreement of the parties.

1 2. a. When a garnishment summons is served under this
2 section on a garnishee while a previous garnishment
3 lien is still in effect, the garnishee shall answer
4 the subsequent garnishment lien or garnishment summons
5 by stating that the garnishee is presently holding
6 defendant's property under a previous garnishment lien
7 or garnishment summons, and by giving the date when
8 all previous garnishment liens or garnishment summons
9 are expected to end.

10 b. The subsequent summons is not effective if a summons
11 or lien on the same cause of action is pending at the
12 time of service unless the subsequent summons in the
13 same cause of action is served after the one-hundred-
14 fiftieth day of the previous garnishment lien.

15 I. 1. When a postjudgment wage garnishment under Section 1173
16 of this title or a continuing earnings garnishment under this
17 section is issued against a defendant already subject to an income
18 assignment for child support, the garnishee shall determine the
19 maximum percentage of the defendant's disposable earnings according
20 to the provisions of Section 1171.2 of this title and then deduct
21 from that percentage the actual percentage of the defendant's
22 disposable earnings actually withheld under the income assignment.
23 The resulting percentage shall be the amount to be withheld by the
24 garnishee, not to exceed twenty-five percent (25%).

1 2. For any involuntary legal or equitable procedures through
2 which the earnings of any individual are required to be withheld for
3 the payment of any debt which has statutory priority over this
4 section, the amount withheld pursuant to a garnishment under this
5 section shall be reduced by the actual sums withheld pursuant to
6 such other involuntary process.

7 J. A continuing earnings garnishment may be suspended or
8 modified for a specific period of time within the effective period
9 of the garnishment by the judgment creditor upon agreement with the
10 judgment debtor, which agreement shall be in writing and filed by
11 the judgment creditor with the clerk of the court in which the
12 judgment was entered, and a copy of which shall be mailed by first-
13 class mail, postage prepaid by the judgment creditor to the
14 garnishee.

15 K. Any garnishment issued against a debtor already subject to a
16 continuing or noncontinuing earnings garnishment shall take effect
17 immediately upon the conclusion of the prior garnishment, and shall
18 be effective for its full one-hundred-eighty-day period of time or
19 as otherwise provided in subsection G of this section.

20 SECTION 6. AMENDATORY 12 O.S. 2021, Section 1174, is
21 amended to read as follows:

22 Section 1174. A. In all cases of garnishment before judgment,
23 the defendant in the principal action shall be given notice of the
24

1 issuance in said action of any garnishee summons, the date of
2 issuance of said summons, and the name of the garnishee.

3 B. In all cases of garnishment for the collection of child
4 support, the defendant shall be given notice as required by this
5 section.

6 C. In all cases of postjudgment garnishment, the court clerk
7 shall attach notice, in a form prescribed by the Oklahoma Bar
8 Association ~~Administrative Director of the Courts~~, with the
9 garnishment, in the manner provided by Section 1172.2 of this title
10 that the defendant may be entitled to claim an exemption for any
11 assistance received pursuant to the terms of the Federal or Oklahoma
12 Social Security Act and other exemptions that may be available to
13 the defendant, and that any such claim should be filed with the
14 court clerk within five (5) days from receipt of notice in a form
15 prescribed by the Oklahoma Bar Association ~~Administrative Director~~
16 ~~of the Courts~~, requesting a hearing as to the status of any assets
17 which the defendant asserts are exempt. Any proceeding to claim an
18 exemption initiated subsequent to five (5) days after receipt of
19 notice shall be by motion unless otherwise agreed by the parties.

20 D. The Administrative Office of the Courts shall provide public
21 access to both the notice and claim for exemption by providing links
22 to the forms on the Oklahoma State Courts Network (OSCN) website.

23 E. Said notification may be accomplished by:
24

1 1. Serving a copy of the garnishee summons on the defendant or
2 on his/her attorney of record in the manner provided for the service
3 of summons; or

4 2. Sending the notice or a copy of the garnishee summons to the
5 defendant or his/her attorney of record by registered or certified
6 mail with return receipt requested, which receipt shall be filed in
7 the action; or

8 3. Attaching the notice on the summons issued in the principal
9 action prior to its service; or

10 4. Including the notice in the publication notice when service
11 in the principal action is by publication; or

12 5. Publication one time in a newspaper of general circulation
13 in the county in which the action is filed at least five (5) days
14 prior to the date on which the garnishee's answer is due if the
15 defendant is a nonresident or if the defendant's whereabouts are
16 unknown to plaintiff.

17 SECTION 7. AMENDATORY 12 O.S. 2021, Section 1178, is
18 amended to read as follows:

19 Section 1178. A. For the purposes of this section, "earnings"
20 means any form of payment to an individual including, but not
21 limited to, salary, wages, commission, or other compensation, but
22 does not include reimbursement for travel expenses for state
23 employees.

24

1 B. Where the garnishment summons is on earnings and is issued
2 under Section 1173 of this title, the garnishee shall, within seven
3 (7) days after the end of defendant's present pay period or where a
4 payment of earnings is due, or thirty (30) days from the service of
5 the summons, whichever is earlier, file an affidavit with the clerk
6 of the court in which the action is pending and deliver or mail a
7 copy thereof to the judgment creditor or the judgment creditor's
8 attorney of record. The affidavit shall state:

9 1. Whether the garnishee was the employer of or indebted or
10 under any liability to the defendant named in the notice in any
11 manner or upon any account for earnings or wages, specifying, as
12 applicable, the beginning and ending dates of the pay period
13 existing at the time of the service of the garnishee summons, the
14 total amounts earned in the pay period, and all of the facts and
15 circumstances necessary to a complete understanding of such
16 indebtedness or liability. When the garnishee shall be in doubt
17 respecting any such liability or indebtedness, the garnishee may set
18 forth all of the facts and circumstances concerning the same, and
19 submit the question to the court;

20 2. If the garnishee shall claim any setoff, defense, other
21 indebtedness, liability, lien, or claim to such property, the facts
22 and circumstances in the affidavit;

23 3. At the garnishee's option, any claim of exemption from
24 execution on the part of the defendant, or other objection known to

1 the garnishee against the right of the judgment creditor to apply
2 the indebtedness or property disclosed;

3 4. If the garnishee shall disclose any indebtedness or the
4 possession of any property to which the defendant, or any other
5 person, makes claim, at the garnishee's option, the names and
6 addresses of such other claimants and, so far as known, the nature
7 of the claims; and

8 5. The garnishee shall state that he/she has mailed or hand-
9 delivered a copy of the notice of garnishment and exemptions,
10 application for hearing, and the manner and date of compliance.

11 C. The garnishee's answer shall be on a form prescribed by the
12 Oklahoma Bar Association Administrative Office of the Courts. The
13 Administrative Office of the Courts shall provide public access to
14 the garnishee's answer by providing a link to the form on the
15 Oklahoma State Courts Network (OSCN) website.

16 SECTION 8. AMENDATORY 12 O.S. 2021, Section 1178.1, is
17 amended to read as follows:

18 Section 1178.1 A. For the purposes of this section, "wages" or
19 "earnings" means any form of payment to an individual including, but
20 not limited to, salary, commission, or other compensation, but does
21 not include reimbursement for travel expenses for state employees.

22 B. Where the garnishment summons is for the collection of
23 support and is issued under Section 1173.2 of this title, the
24 garnishee shall, within ten (10) days from the service of the

1 garnishee's summons or within seven (7) days after the end of
2 defendant's current pay period or thirty (30) days from the date of
3 service of this summons, whichever is earlier, file an affidavit
4 with the clerk of the court in which the action is pending and
5 deliver or mail a copy thereof to the judgment creditor's attorney
6 or to the judgment creditor if there is no attorney. The affidavit
7 shall state:

8 1. Whether the garnishee was the employer of or indebted or
9 under any liability to the defendant named in the notice in any
10 manner or upon any account for earnings or wages specifying, as
11 applicable, the beginning and ending dates of the pay period
12 existing at the time of the service of the affidavit and summons,
13 the total amounts earned in the pay period and all of the facts and
14 circumstances necessary to a complete understanding of such
15 indebtedness or liability. When the garnishee shall be in doubt
16 respecting any such liability or indebtedness, the garnishee may set
17 forth all of the facts and circumstances concerning the same, and
18 submit the question to the court;

19 2. Whether the garnishee was indebted or under any liability to
20 or had in garnishee's possession or control, any property belonging
21 to the defendant. When the garnishee shall be in doubt respecting
22 any such liability or indebtedness, the garnishee may set forth all
23 of the facts and circumstances concerning the same, and submit the
24 question to the court;

1 3. If the garnishee shall claim any setoff, defense, other
2 indebtedness, liability, lien, or claim to such property, the facts
3 and circumstances in the affidavit;

4 4. At the garnishee's option any claim of exemption from
5 execution on the part of the defendant, or other objection known to
6 the garnishee against the right of the judgment creditor, to apply
7 the indebtedness or property disclosed;

8 5. If the garnishee shall disclose any indebtedness or the
9 possession of any property to which the defendant or any other
10 person, makes claim, at the garnishee's option the names and
11 addresses of such other claimants and, so far as known, the nature
12 of the claims; and

13 6. That the garnishee has mailed or hand-delivered a copy of
14 the notice of garnishment and exemptions, application for hearing,
15 and the manner and date of compliance.

16 C. The ~~answer of the garnishee's answer~~ shall be on a form
17 prescribed by the Oklahoma Bar Association Administrative Office of
18 ~~the Courts~~. The Administrative Office of the Courts shall provide
19 public access to the garnishee's answer by providing a link to the
20 form on the Oklahoma State Courts Network (OSCN) website.

21 SECTION 9. AMENDATORY 12 O.S. 2021, Section 1178.2, is
22 amended to read as follows:

23 Section 1178.2 A. Where the garnishment summons is not on
24 earnings, is not for the collection of child support and is issued

1 under Section 1173.3 of this title, then unless the garnishee shall
2 make the affidavit provided for in Section 1176 of this title, the
3 garnishee shall, within ten (10) days from the service of the
4 garnishee's summons, file an affidavit with the clerk of the court
5 in which the action is pending and deliver or mail a copy thereof to
6 the judgment creditor's attorney or to the judgment creditor if
7 there is no attorney. The affidavit shall state:

8 1. Whether the garnishee was indebted or under any liability to
9 the defendant named in the notice in any manner or upon any account
10 specifying if indebted or liable, the amount, the interest thereon,
11 the manner in which evidenced, when payable, whether an absolute or
12 contingent liability and all of the facts and circumstances
13 necessary to a complete understanding of such indebtedness or
14 liability. When the garnishee shall be in doubt respecting any such
15 liability or indebtedness, the garnishee may set forth all of the
16 facts and circumstances concerning the same, and submit the question
17 to the court;

18 2. Whether the garnishee was indebted or under any liability to
19 or had in garnishee's possession or control, any property belonging
20 to the defendant. When the garnishee shall be in doubt respecting
21 any such liability or indebtedness, the garnishee may set forth all
22 of the facts and circumstances concerning the same, and submit the
23 question to the court;

24

1 3. If the garnishee shall claim any setoff, defense, other
2 indebtedness, liability, lien, or claim to such property, the facts
3 and circumstances in the affidavit;

4 4. At the garnishee's option, any claim of exemption from
5 execution on the part of the defendant, or other objection known to
6 the garnishee against the right of the judgment creditor to apply
7 the indebtedness or property disclosed;

8 5. If the garnishee shall disclose any indebtedness or the
9 possession of any property to which the defendant or any other
10 person makes claim, at the garnishee's option, the names and
11 addresses of such other claimants and, so far as known, the nature
12 of the claims; and

13 6. That the garnishee has mailed or hand-delivered a copy of
14 the notice of garnishment and exemptions, application for hearing,
15 and the manner and date of compliance.

16 B. The answer of the garnishee shall be on a form prescribed by
17 the Oklahoma Bar Association Administrative Office of the Courts.
18 The Administrative Office of the Courts shall provide public access
19 to the garnishee's answer by providing a link to the form on the
20 Oklahoma State Courts Network (OSCN) website.

21 SECTION 10. AMENDATORY 12 O.S. 2021, Section 1772, is
22 amended to read as follows:

23 Section 1772. Judgments for the payment of money shall be
24 processed and collected as follows:

1 1. Incident to the entering of the judgment and while the
2 parties are still under oath:

3 a. the court may arrange a judgment satisfaction plan and
4 enter a writ of execution, and

5 b. the court may secure a listing and description of the
6 judgment debtor's assets from the judgment debtor in
7 case subsequent attachment of property becomes
8 necessary to collect an unsatisfied judgment. Forms
9 for an application and order to appear and answer as
10 to assets and interrogatories to be answered by the
11 debtor shall be supplied by the court clerk on forms
12 promulgated by the Oklahoma Bar Association ~~Director~~
13 ~~of the Administrative Office of the Courts.~~

14 2. If the judgment debtor fails to satisfy the judgment in
15 accordance with the judgment satisfaction plan, the judgment
16 creditor shall attempt to contact the judgment debtor and collect
17 the same.

18 3. If the judgment debtor still fails to satisfy the judgment,
19 the judgment creditor may:

20 a. require the debtor to appear and answer
21 interrogatories regarding assets, or

22 b. request the issuance of a writ of execution or a
23 garnishment summons on forms provided by the court
24 clerk.

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4. Except as provided in this section, proceedings hereunder to collect the judgment shall be conducted pursuant to the provisions of this title.

SECTION 11. This act shall become effective November 1, 2023.

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