

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 1734

By: Moore

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5  
6 AS INTRODUCED

7 An Act relating to civil procedure; amending 12 O.S.  
8 2021, Section 765, as amended by Section 2, Chapter  
9 326, O.S.L. 2022 (12 O.S. Supp. 2024, Section 765),  
10 which relates to sheriff sales; prohibiting buyer's  
11 premium for online auction; limiting fee for online  
12 auction; and providing an effective date.

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

13 SECTION 1. AMENDATORY 12 O.S. 2021, Section 765, as  
14 amended by Section 2, Chapter 326, O.S.L. 2022 (12 O.S. Supp. 2024,  
15 Section 765), is amended to read as follows:

16 Section 765. A. Upon the return of any writ of execution for  
17 the satisfaction of which any lands or tenements have been sold, the  
18 party causing the execution to be issued shall:

19 1. Cause a written notice of hearing on the confirmation of the  
20 sale to be mailed, by first class mail, postage prepaid, to all  
21 persons to whom mailing of the notice of the execution sale was  
22 required to be made pursuant to Section 764 of this title and to the  
23 high bidder at such sale, at least ten (10) days before the hearing  
24 on the confirmation of the sale, and if the name or address of any

1 such person is unknown, shall cause a notice of the hearing on the  
2 confirmation of the sale to be published in a newspaper authorized  
3 by law to publish legal notices in the county in which the property  
4 is situated. If no newspaper authorized by law to publish legal  
5 notices is published in such county, the notice shall be published  
6 in some such newspaper of general circulation which is published in  
7 an adjoining county. The notice shall state the name of any person  
8 being so notified and shall be published once at least ten (10) days  
9 prior to the date of the hearing on the confirmation of the sale;  
10 and

11 2. Files in the case an affidavit of proof of mailing, and if  
12 required, of publication.

13 B. Any person filing a written objection to the confirmation of  
14 the sale shall cause a copy of such written objection to be mailed,  
15 prior to the hearing on the confirmation of the sale, by first class  
16 mail, postage prepaid, to all persons to whom mailing of the notice  
17 of the hearing on the confirmation of the sale was required to be  
18 made pursuant to this section. The court may continue the hearing  
19 or make such other orders as are necessary to allow the interested  
20 persons to adequately support or oppose any such objections to the  
21 confirmation of the sale. If the court, after having carefully  
22 examined the proceedings of the officer, is satisfied that the sale  
23 has, in all respects, been made in conformity with the provisions of  
24 this article, the court shall direct the clerk to make an entry on

1 the journal that the court is satisfied of the legality of such sale  
2 and shall order that the officer make to the purchaser a deed for  
3 such lands and tenements; and the officer, on making such sale,  
4 shall deposit the purchase money with the clerk of the court from  
5 which said writ of execution issued, where same shall remain until  
6 the court shall have examined his or her proceedings as aforesaid,  
7 when said clerk of the court shall pay the same to the person  
8 entitled thereto, agreeable to the order of the court. In the case  
9 of a sale by a sheriff conducted through an online auction  
10 marketplace, the online auction marketplace may collect and hold  
11 deposits and additional purchase money payments up to the full  
12 amount of the winning bid, settle the transaction, and then remit  
13 payment of the purchase money to the court clerk as directed by the  
14 sheriff or the court. ~~Any~~ No buyer's premium shall be charged to a  
15 buyer ~~for~~ on any sale including when a sale is conducted through an  
16 online auction marketplace services rendered to the buyer shall not  
17 be considered purchase price provided that the buyer's premium is  
18 disclosed in advance in the listing platform. The fee charged by  
19 the online auction marketplace and all costs incurred by the online  
20 auction marketplace shall be assessed as costs in the case not to  
21 exceed Three Hundred and Fifty Dollars (\$350.00).

22 SECTION 2. This act shall become effective November 1, 2025.

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24 60-1-10404 JL 01/07/25