

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1201

By: Newberry

4  
5  
6 AS INTRODUCED

7 An Act relating to sheriff sales; amending 12 O.S.  
8 2011, Section 759, which relates to property  
9 appraisals; requiring appraisal of certain property  
by certified real estate appraisers; and providing an  
effective date.

10  
11  
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 12 O.S. 2011, Section 759, is  
14 amended to read as follows:

15 Section 759. A. When a general execution is issued and placed  
16 in the custody of a sheriff for levy, a certified copy of the  
17 execution shall be filed in the office of the county clerk of the  
18 county whose sheriff holds the execution and shall be indexed in the  
19 same manner as judgments. At the time the execution is filed, the  
20 court clerk shall collect from the party seeking a general execution  
21 all fees necessary for the payment of the ~~disinterested persons~~  
22 certified real estate appraiser for their services in appraising of  
23 the subject property pursuant to the requirements of subsection B of  
24 this section.

1 B. If a general or special execution is levied upon lands and  
2 tenements, the sheriff shall endorse on the face of the writ the  
3 legal description and shall have ~~three disinterested persons who~~  
4 ~~have taken an oath to impartially~~ a certified real estate appraiser,  
5 licensed pursuant to the Oklahoma Certified Real Estate Appraisers  
6 Act, appraise the property levied on, upon actual view; and the  
7 ~~disinterested persons~~ real estate appraiser shall return to the  
8 officer ~~their~~ his or her signed estimate of the real value of the  
9 property. The ~~disinterested persons~~ real estate appraiser shall be  
10 paid for ~~their services~~ his or her service by the court clerk of the  
11 county where the property is located within thirty (30) days of the  
12 date that they return their estimate of the real value of the  
13 property.

14 C. To extend a judgment lien beyond the initial or any  
15 subsequent statutory period, prior to the expiration of such period,  
16 a certified copy of one of the following must be filed and indexed  
17 in the same manner as judgments in the office of the county clerk in  
18 the county in which the statement of judgment was filed and the lien  
19 thereof is sought to be retained:

- 20 1. A general execution upon the judgment;
- 21 2. A notice of renewal of judgment;
- 22 3. A garnishment summons issued against the judgment debtor; or
- 23 4. A notice of income assignment sent to a payor of the  
24 judgment debtor.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

SECTION 2. This act shall become effective November 1, 2016.

55-2-1965 MJM 1/25/2016 12:45:03 PM