

An Act

ENROLLED SENATE
BILL NO. 346

By: Bice of the Senate

and

McCall of the House

An Act relating to property subject to forced sale; amending 12 O.S. 2011, Section 759, which relates to appraisement of property; modifying procedure for appraisal of property; requiring written affidavit of impartiality; establishing requirements for estimates obtained from certain legal entities; and providing an effective date.

SUBJECT: Appraisement of property

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

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

Section 759. A. When a general execution is issued and placed in the custody of a sheriff for levy, a certified copy of the execution shall be filed in the office of the county clerk of the county whose sheriff holds the execution and shall be indexed in the same manner as judgments. At the time the execution is filed, the court clerk shall collect from the party seeking a general execution all fees necessary for the payment of the disinterested persons or a legal entity for ~~their~~ services in appraising ~~of~~ the subject property pursuant to the requirements of subsection B of this section.

B. If a general or special execution is levied upon lands and tenements, the sheriff shall endorse on the face of the writ the

legal description and shall have three disinterested persons who have taken an oath to impartially appraise the property levied on or a legal entity which has provided a written affidavit of impartiality, upon actual view; and the disinterested persons or legal entity shall return to the officer ~~their~~ a signed estimate of the real value of the property. If an estimate is obtained from a disinterested legal entity, such estimate shall be developed by the legal entity using at least three independent, credible sources, each of which has estimated the real value of the subject property independently. The disinterested persons or legal entity shall be paid for ~~their~~ such services by the court clerk of the county where the property is located within thirty (30) days of the date that they return their estimate of the real value of the property.

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

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

SECTION 2. This act shall become effective November 1, 2019.

Passed the Senate the 4th day of March, 2019.

Presiding Officer of the Senate

Passed the House of Representatives the 16th day of April, 2019.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____