

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 55th Legislature (2016)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2380

By: Goodwin of the House

and

David of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to civil procedure; amending 12 O.S.
12 2011, Section 759, which relates to appraisement of
13 property; prohibiting persons within certain degree
14 of relation to the sheriff and sheriff's office
15 employees from appraising certain property; requiring
16 certain appraisals be performed by certified
17 appraisers in certain counties; defining term;
18 amending 59 O.S. 2011, Sections 858-701 and 858-702,
19 which relate to the Oklahoma Certified Real Estate
20 Appraisers Act; deleting legislative intent
21 statement; providing applicability to certain
22 transactions requiring appraisals; and providing an
23 effective date.

24 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

1 execution shall be filed in the office of the county clerk of the
2 county whose sheriff holds the execution and shall be indexed in the
3 same manner as judgments. At the time the execution is filed, the
4 court clerk shall collect from the party seeking a general execution
5 all fees necessary for the payment of the disinterested persons or
6 certified appraisers for their services in appraising of the subject
7 property pursuant to the requirements of subsection B of this
8 section.

9 B. If a general or special execution is levied upon lands and
10 tenements, the sheriff shall endorse on the face of the writ the
11 legal description and shall have three disinterested persons or
12 certified appraisers who have taken an oath to impartially appraise
13 the property levied on, upon actual view; and the disinterested
14 persons or certified appraisers shall return to the officer their
15 signed estimate of the real value of the property. The
16 disinterested persons or certified appraisers shall be paid for
17 their services by the court clerk of the county where the property
18 is located within thirty (30) days of the date that they return
19 their estimate of the real value of the property. No disinterested
20 person or certified appraiser shall be eligible to appraise the
21 property if the disinterested person or certified appraiser is
22 related within the third degree by affinity or consanguinity to the
23 sheriff or any employee of the appointing sheriff's office.
24

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

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

12 D. In counties having a population of five hundred thousand
13 (500,000) or more according to the latest Federal Decennial Census,
14 only certified appraisers shall conduct appraisals pursuant to this
15 section.

16 E. For purposes of this section, "certified appraiser" shall
17 mean a state-licensed, state-certified residential or state general
18 real estate appraiser under the Oklahoma Certified Real Estate
19 Appraisers Act.

20 SECTION 2. AMENDATORY 59 O.S. 2011, Section 858-701, is
21 amended to read as follows:

22 Section 858-701. It is the intent of the Legislature to develop
23 a real estate appraiser certification process which meets the
24 federal guidelines set forth in the Financial Institutions Reform,

1 Recovery, and Enforcement Act of 1989. The purpose of the Oklahoma
2 Certified Real Estate Appraisers Act is to provide appraisers within
3 the state a process for certification which will allow them to
4 participate in a federally related transaction and real_estate-
5 related financial transactions of the agencies, instrumentalities
6 and federally recognized entities as defined and recognized in Title
7 XI of the Financial Institutions Reform, Recovery, and Enforcement
8 Act of 1989. ~~It is not the intent of this legislation to prevent~~
9 ~~any person who is currently conducting business as an appraiser from~~
10 ~~continuing such action unless such action involves a federally~~
11 ~~related transaction or a real estate related financial transaction~~
12 ~~as defined in Title XI of the Financial Institutions Reform,~~
13 ~~Recovery, and Enforcement Act of 1989.~~

14 SECTION 3. AMENDATORY 59 O.S. 2011, Section 858-702, is
15 amended to read as follows:

16 Section 858-702. A. This act shall only apply to:

17 1. Any appraisal or appraiser involving the following:

18 a. a federally related transaction,

19 b. real_estate-related financial transactions of the
20 agencies, instrumentalities, and federally recognized
21 entities covered by the Financial Institutions Reform,
22 Recovery, and Enforcement Act of 1989, and

23 c. any real_estate-related transactions where an
24 appraisal report was made under a written agreement

1 that the appraisal report would follow the Uniform
2 Standards of Professional Appraisal Practice
3 guidelines or where a written appraisal states that it
4 is in compliance with the Uniform Standards of
5 Professional Appraisal Practice, and

6 d. any transaction requiring an appraisal by a certified
7 appraiser under Section 759 of Title 12 of the
8 Oklahoma Statutes; and

9 2. Appraisers certified or licensed pursuant to the Oklahoma
10 Certified Real Estate Appraisers Act or representing themselves as
11 such, whether such license or certification is active, inactive,
12 expired, suspended, or revoked as set forth in this act and the
13 rules and regulations promulgated pursuant thereto, to the extent
14 that the appraisers and any real property valuation and any real
15 property valuation activity performed by them shall conform to the
16 code of ethics as set forth in this act.

17 B. Certified public accountants, licensed in the states or
18 other U.S. jurisdictions, who perform appraisals of real estate
19 incidental to the performance of professional services they provide
20 to clients are excluded from the licensing and certification
21 provisions of the Oklahoma Certified Real Estate Appraisers Act
22 unless the appraisal is a federally related transaction or a real-
23 estate-related financial transaction of the agencies,
24 instrumentalities and federally recognized entities covered by the

1 Financial Institutions, Reform, Recovery and Enforcement Act of
2 1989.

3 SECTION 4. This act shall become effective November 1, 2016.
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5 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND CIVIL PROCEDURE,
6 dated 02/24/2016 - DO PASS, As Amended and Coauthored.
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