

1 STATE OF OKLAHOMA

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

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 2380

By: Goodwin of the House

and

7 David and Matthews of the
8 Senate

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10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to civil procedure; amending 12 O.S.
12 2011, Section 759, which relates to appraisement of
13 property levied pursuant to an execution; requiring
14 appointment of certain disinterested persons be on a
15 rotating basis; prohibiting persons within a certain
16 degree of relation to other persons from valuing
17 certain property; requiring certain certification or
18 license in counties with certain population; and
19 providing an effective date.

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

23 SECTION 1. AMENDATORY 12 O.S. 2011, Section 759, is
24 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

1 same manner as judgments. At the time the execution is filed, the
2 court clerk shall collect from the party seeking a general execution
3 all fees necessary for the payment of the disinterested persons for
4 their services in appraising of the subject property pursuant to the
5 requirements of subsection B of this section.

6 B. 1. If a general or special execution is levied upon lands
7 and tenements, the sheriff shall endorse on the face of the writ the
8 legal description and shall ~~have~~ appoint three disinterested persons
9 who have taken an oath to impartially appraise the property levied
10 on, upon actual view; and the disinterested persons shall return to
11 the officer their signed estimate of the real value of the property.
12 The disinterested persons shall be paid for their services by the
13 court clerk of the county where the property is located within
14 thirty (30) days of the date that they return their estimate of the
15 real value of the property. The sheriff shall maintain a list of
16 disinterested persons and shall select from the list on a rotating
17 basis disinterested persons when appointment under this section is
18 required.

19 2. A disinterested person conducting an appraisal pursuant to
20 this section shall not be related within the third degree by
21 affinity or consanguinity to the appointing sheriff, to any person
22 having an interest in the lands or tenements subject to levy or to
23 another disinterested person valuing the same lands or tenements
24 subject to levy.

1 3. In counties having a population of sixty-five thousand
2 (65,000) or more according to the latest Federal Decennial Census, a
3 disinterested person conducting appraisals pursuant to this section
4 shall be a certified real estate appraiser who is licensed pursuant
5 to the Oklahoma Certified Real Estate Appraisers Act, a real estate
6 broker who is licensed pursuant to the Oklahoma Real Estate License
7 Code or a real estate sales associate who has been licensed pursuant
8 to the Oklahoma Real Estate License Code for more than two (2)
9 years.

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

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

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

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23 55-2-10118 AMM 05/19/16

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