

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2792

By: Stinson and **Waldron** of the  
House

7 and

8 **Howard** of the Senate

9 COMMITTEE SUBSTITUTE

10 An Act relating to civil procedure; amending 12 O.S.  
11 2021, Sections 1148.15 and 1148.16, which relate to  
12 affidavit and summons form for unlawful entry and  
13 detainer actions; removing affidavit form; directing  
14 the Oklahoma Bar Association to promulgate clear and  
15 understandable form for forcible entry and detainer  
16 action affidavits; providing that the Administrative  
17 Office of the Courts shall make certain forms  
18 available to access on the Oklahoma State Courts  
19 Network (OSCN) website; removing summons form;  
20 directing the Oklahoma Bar Association to promulgate  
21 clear and understandable form for forcible entry and  
22 detainer action summons; providing that the  
23 Administrative Office of the Courts shall make  
24 certain forms available to access on the Oklahoma  
State Courts Network (OSCN) website; providing timing  
requirements for summons delivery; amending 12 O.S.  
2021, Sections 1172, 1173, 1173.2, 1173.4, 1174,  
1178, 1178.1, 1178.2, and 1772, which relate to court  
forms; providing that certain forms shall be  
prescribed by the Oklahoma Bar Association; providing  
that the Administrative Office of the Courts shall  
make certain forms available to access on the  
Oklahoma State Courts Network (OSCN) website; and  
providing an effective date.

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

2 SECTION 1. AMENDATORY 12 O.S. 2021, Section 1148.15, is  
3 amended to read as follows:

4 Section 1148.15 The actions for unlawful entry and detainer,  
5 commonly known as an eviction, standing alone or when joined with a  
6 claim for collection of rent or damages to the premises, or both,  
7 shall be commenced by filing an affidavit ~~in substantially the~~  
8 ~~following form with the clerk of the court:~~ with the clerk of the  
9 court. This affidavit is to be developed by the Oklahoma Bar  
10 Association using plain and understandable language. The  
11 Administrative Office of the Courts shall provide public access to  
12 the affidavit by providing a link to the form on the Oklahoma State  
13 Courts Network (OSCN) website.

14 ~~In the District Court, County of \_\_\_\_\_,~~  
15 ~~State of Oklahoma.~~

16 \_\_\_\_\_  
16 \_\_\_\_\_

17 Plaintiff

18 vs. \_\_\_\_\_ No. \_\_\_\_\_

19 \_\_\_\_\_  
19 \_\_\_\_\_

20 Defendant

21 ~~STATE OF OKLAHOMA)~~

22 ) ss

23 ~~COUNTY OF \_\_\_\_\_)~~

24 AFFIDAVIT

1 \_\_\_\_\_, being duly sworn, deposes and says:

2 The defendant resides at \_\_\_\_\_, in the  
3 above named county, and defendant's mailing address is  
4 \_\_\_\_\_  
5 \_\_\_\_\_.

6 The defendant is indebted to the plaintiff in the sum of  
7 \$\_\_\_\_\_ for rent and for the further sum of \$\_\_\_\_\_ for  
8 damages to the premises rented by the defendant; the plaintiff has  
9 demanded payment of said sum(s) but the defendant refused to pay the  
10 same and no part of the amount sued for herein has been paid,

11 and/or

12 the defendant is wrongfully in possession of certain real property  
13 described as

14 \_\_\_\_\_  
15 \_\_\_\_\_;  
16 the plaintiff is entitled to possession thereof and has made demand  
17 on the defendant to vacate the premises, but the defendant refused  
18 to do so.

19 \_\_\_\_\_  
20 Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_,  
21 19\_\_.

22 \_\_\_\_\_  
23 \_\_\_\_\_ Notary Public (or Clerk or  
24 Judge)

1 SECTION 2. AMENDATORY 12 O.S. 2021, Section 1148.16, is  
2 amended to read as follows:

3 Section 1148.16 The summons to be issued in an action for  
4 forcible entry and detainer, commonly known as an eviction, shall be  
5 in the following a form: developed in plain and understandable  
6 language by the Oklahoma Bar Association. The Administrative Office  
7 of the Courts shall provide public access to the affidavit by  
8 providing a link to the form on the Oklahoma State Courts Network  
9 (OSCN) website. The summons shall be delivered no less than three  
10 (3) days before the scheduled time and date of the court hearing.  
11 This scheduled date and time shall not be less than five (5) days  
12 from the date the summons is issued.

13 SUMMONS

14 ~~The State of Oklahoma to the within-named defendant:~~

15 ~~You are hereby directed to relinquish immediately to the~~  
16 ~~plaintiff herein total possession of the real property described as~~

17 \_\_\_\_\_

18 ~~or to appear and show cause why you should be permitted to retain~~  
19 ~~control and possession thereof.~~

20 ~~This matter shall be heard at \_\_\_\_\_ (name or~~  
21 ~~address of building), in \_\_\_\_\_, County of \_\_\_\_\_,~~  
22 ~~State of Oklahoma, at the hour of \_\_\_\_\_ o'clock of \_\_\_\_\_ day of~~  
23 ~~\_\_\_\_\_ month, 19\_\_\_\_, or at the same time and place three (3) days~~  
24 ~~after service hereof, whichever is the latter. (This date shall be~~

1 ~~not less than five (5) days from the date summons is issued). You~~  
2 ~~are further notified that if you do not appear on the date shown,~~  
3 ~~judgment will be given against you as follows:~~

4 ~~For the amount of the claim for deficient rent and/or damages to~~  
5 ~~the premises, as it is stated in the affidavit of the plaintiff and~~  
6 ~~for possession of the real property described in said affidavit,~~  
7 ~~whereupon a writ of assistance shall issue directing the sheriff to~~  
8 ~~remove you from said premises and take possession thereof.~~

9 ~~In addition, a judgment for costs of the action, including~~  
10 ~~attorney's fees and other costs, may also be given.~~

11 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

12 \_\_\_\_\_

13 ~~Clerk of the Court (or Judge)~~

14 \_\_\_\_\_

15 ~~Plaintiff or Attorney~~

16 \_\_\_\_\_

17 ~~Address~~

18 \_\_\_\_\_

19 ~~Telephone Number~~

20 SECTION 3. AMENDATORY 12 O.S. 2021, Section 1172, is  
21 amended to read as follows:

22 Section 1172. A. Garnishment proceedings, whether prejudgment  
23 or postjudgment, shall be commenced by the filing of an affidavit,  
24 on a form prescribed by the ~~Administrative Director of the Courts~~

1 Oklahoma Bar Association. The Administrative Office of the Courts  
2 shall provide public access to the affidavit by providing a link to  
3 the form on the Oklahoma State Courts Network (OSCN) website,

4 stating:

5 1. The name(s) of the plaintiff(s);

6 2. The name(s) of the defendant(s);

7 3. In the case of prejudgment garnishments, the amount of the  
8 plaintiff's original claim against the defendant or defendants over  
9 and above all offsets;

10 4. In the case of postjudgment garnishments, the amount of the  
11 interest-bearing balance;

12 5. In the case of postjudgment garnishments, the rate and the  
13 date the interest begins to accrue; and

14 6. That the plaintiff verily believes that some person, naming  
15 him or her, whether within or without the county, is indebted to or  
16 has property in his or her possession or under his or her control  
17 belonging to the defendant, or either or any of the defendants, in  
18 the action or execution and that the indebtedness or property is, to  
19 the best of the knowledge and belief of the person making such  
20 affidavit, not by law exempt from seizure or sale upon execution.

21 B. The affidavit may be filed by the plaintiff or the  
22 plaintiff's attorney at or before the time of filing of a  
23 garnishment summons.

24

1 C. Only one garnishee may be embraced in any affidavit or  
2 garnishment summons.

3 SECTION 4. AMENDATORY 12 O.S. 2021, Section 1173, is  
4 amended to read as follows:

5 Section 1173. A. Any judgment creditor may obtain a  
6 noncontinuing lien on earnings. For the purposes of this section,  
7 "earnings" means any form of payment to an individual including, but  
8 not limited to, salary, commission, or other compensation, but does  
9 not include reimbursements for travel expenses for state employees.

10 B. A noncontinuing earnings garnishment shall be commenced by  
11 filing the affidavit provided for by Section 1172 of this title.

12 C. The form for the summons required by this section shall be  
13 prescribed by the ~~Administrative Office of the Courts~~ Oklahoma Bar  
14 Association. The Administrative Office of the Courts shall provide  
15 public access to the summons by providing a link to the form on the  
16 Oklahoma State Courts Network (OSCN) website.

17 D. The summons shall be served upon the garnishee, together  
18 with a copy of the judgment creditor's affidavit, a garnishee's  
19 answer form, notice of garnishment and request for hearing, and  
20 claim for exemptions, in the manner provided for in Section 2004 of  
21 this title and shall be returned with proof of service within ten  
22 (10) days of its date.

23 E. The garnishee's answer shall be on a form prescribed by the  
24 ~~Administrative Office of the Courts~~ Oklahoma Bar Association. The

1 Administrative Office of the Courts shall provide public access to  
2 the garnishee's answer by providing a link to the form on the  
3 Oklahoma State Courts Network (OSCN) website.

4 F. Within seven (7) days after the end of the defendant's then-  
5 current pay period or thirty (30) days from the date of service of  
6 the garnishment summons, whichever is earlier, the garnishee shall  
7 file the answer with the court clerk and the garnishee shall pay the  
8 amount withheld from the pay period to the judgment creditor's  
9 attorney or to the judgment creditor, if there is no attorney, with  
10 a copy of the answer which shall state:

11 1. Whether the garnishee was the employer of or indebted or  
12 under any liability to the defendant named in the notice in any  
13 manner or upon any account for earnings or wages, specifying, as  
14 applicable, the beginning and ending dates of the pay period  
15 existing at the time of the service of the affidavit and summons,  
16 the total amounts earned in the pay period, and all of the facts and  
17 circumstances necessary to a complete understanding of the  
18 indebtedness or liability. When the garnishee shall be in doubt  
19 respecting the liability or indebtedness, the garnishee may set  
20 forth all of the facts and circumstances concerning the same, and  
21 submit the question to the court;

22 2. If the garnishee shall claim any setoff, defense, other  
23 indebtedness, liability, lien, or claim to the property, the facts  
24 and circumstances in the affidavit;



1           3. At the garnishee's option, any claim of exemption from  
2 execution on the part of the defendant or other objection known to  
3 the garnishee against the right of the judgment creditor to apply  
4 the indebtedness or property disclosed;

5           4. If the garnishee shall disclose any indebtedness or the  
6 possession of any property to which the defendant or any other  
7 person makes claim, at the garnishee's option, the names and  
8 addresses of other claimants and, so far as known, the nature of the  
9 claims; and

10          5. That the garnishee has mailed or hand-delivered a copy of  
11 the notice of garnishment and exemptions, application for hearing,  
12 and the manner and date of compliance.

13          G. The garnishment summons served on the garnishee under this  
14 section is a lien on the defendant's property due at the time of  
15 service or the effective date of the summons to the extent the  
16 property is not exempt from garnishment.

17          H. 1. A garnishment lien under this section has priority over  
18 any subsequent garnishment lien or garnishment summons served on the  
19 garnishee.

20          2. When a garnishment summons is served under this section on a  
21 garnishee while a previous garnishment lien is still in effect, the  
22 garnishee shall answer the subsequent garnishment lien or  
23 garnishment summons by stating that the garnishee is presently  
24 holding defendant's property under a previous garnishment lien or

1 garnishment summons and by giving the date when all previous  
2 garnishment liens or garnishment summonses are expected to end.

3 I. 1. When a postjudgment noncontinuing earnings garnishment  
4 under this section or a continuing earnings garnishment under  
5 Section 1173.4 of this title is issued against a defendant already  
6 subject to an income assignment for child support, the garnishee  
7 shall determine the maximum percentage of the defendant's disposable  
8 earnings according to the provisions of Section 1171.2 of this title  
9 and then deduct from that percentage the actual percentage of the  
10 defendant's disposable earnings actually withheld under the income  
11 assignment. The resulting percentage shall be the amount to be  
12 withheld by the garnishee, not to exceed twenty-five percent (25%).

13 2. For any involuntary legal or equitable procedures through  
14 which the earnings of any individual are required to be withheld for  
15 the payment of any debt which has statutory priority over this  
16 section, the amount withheld pursuant to a garnishment under this  
17 section shall be reduced by the actual sums withheld pursuant to  
18 such other involuntary process.

19 J. A noncontinuing earnings garnishment may be suspended or  
20 modified by the judgment creditor upon agreement with the judgment  
21 debtor, which agreement shall be in writing and filed by the  
22 judgment creditor with the clerk of the court in which the judgment  
23 was entered. A copy of such agreement shall be mailed by first  
24 class mail to the garnishee, postage prepaid by judgment creditor.

1 SECTION 5. AMENDATORY 12 O.S. 2021, Section 1173.2, is  
2 amended to read as follows:

3 Section 1173.2 Upon the filing of such affidavit and the  
4 undertaking and, when a hearing is required, after said hearing,  
5 where the garnishment is for the collection of support, garnishee  
6 summons shall be issued by the judge of the district court if  
7 prejudgment garnishment is sought or by the clerk of the district  
8 court if postjudgment garnishment is sought and served upon each of  
9 the garnishees, in the manner provided for service of summons, and  
10 shall be returned with proof of service within five (5) days of its  
11 date except when issued to another county it shall be returned with  
12 proof of service within ten (10) days from its date. The garnishee  
13 summons shall be on a form prescribed by the ~~Administrative Office~~  
14 ~~of the Courts~~ Oklahoma Bar Association. The Administrative Office  
15 of the Courts shall provide for public access to the garnishee  
16 summons by providing a link to the form on Oklahoma State Courts  
17 Network (OSCN) website.

18 SECTION 6. AMENDATORY 12 O.S. 2021, Section 1173.3, is  
19 amended to read as follows:

20 Section 1173.3 A. A general garnishment shall be commenced by  
21 filing the affidavit provided for by Section 1172 of this title.

22 B. The summons required by this section shall be on a form  
23 prescribed by the ~~Office of the Administrative Director of the~~  
24 ~~Courts~~ Oklahoma Bar Association. The Administrative Office of the

1 Courts shall provide public access to the summons by providing a  
2 link to the form on the Oklahoma State Courts Network (OSCN)  
3 website.

4 C. The summons required by subsection B of this section shall  
5 be served upon the garnishee together with a copy of the judgment  
6 creditor's affidavit, a garnishee's answer form, notice of  
7 garnishment and request for hearing, and claim for exemptions in the  
8 manner provided for in Section 2004 of this title and shall be  
9 returned with proof of service within ten (10) days of its date.

10 D. The garnishee's answer shall be on a form prescribed by the  
11 ~~Office of the Administrative Director of the Courts~~ Oklahoma Bar  
12 Association. The Administrative Office of the Courts shall provide  
13 public access to the garnishee's answer by providing a link to the  
14 form on the Oklahoma State Courts Network (OSCN) website.

15 E. Within ten (10) days after service of the garnishment, the  
16 garnishee shall file its answer with the court clerk and pay or  
17 deliver to the judgment creditor's attorney or to the judgment  
18 creditor if there is no attorney the indebtedness or property  
19 belonging to or owed to the defendant, together with a copy of the  
20 answer which shall state:

21 1. Whether the garnishee was indebted or under any liability to  
22 or had in garnishee's possession or control, any property belonging  
23 to the defendant. When the garnishee shall be in doubt respecting  
24 any such liability or indebtedness, the garnishee may set forth all

1 of the facts and circumstances concerning the same, and submit the  
2 question to the court;

3 2. If the garnishee shall claim any setoff, defense, other  
4 indebtedness, liability, lien, or claim to the property, the facts  
5 and circumstances;

6 3. At the garnishee's option, any claim of exemption from  
7 execution on the part of the defendant, or other objection known to  
8 the garnishee against the right of the judgment creditor to apply  
9 the indebtedness or property disclosed;

10 4. If the garnishee shall disclose any indebtedness or the  
11 possession of any property to which the defendant or any other  
12 person makes claim, at the garnishee's option, the names and  
13 addresses of such other claimants and, so far as known, the nature  
14 of the claims; and

15 5. That the garnishee has mailed or hand-delivered a copy of  
16 the notice of garnishment and exemptions, application for hearing,  
17 and the manner and date of compliance.

18 F. The garnishment summons and affidavit served on the  
19 garnishee under this section are a lien on the defendant's property  
20 due at the time of service of the summons to the extent the property  
21 is not exempt from garnishment.

22 SECTION 7. AMENDATORY 12 O.S. 2021, Section 1173.4, is  
23 amended to read as follows:

24

1 Section 1173.4 A. Any judgment creditor may obtain a  
2 continuing lien on earnings. For the purposes of this section,  
3 "earnings" means any form of payment to an individual including, but  
4 not limited to, salary, wages, commission, or other compensation,  
5 but does not include reimbursements for travel expenses for state  
6 employees.

7 B. A continuing earnings garnishment shall be commenced by  
8 filing the affidavit provided for by Section 1172 of this title.

9 C. The summons required by this section shall be on a form  
10 prescribed by the ~~Office of the Administrative Director of the~~  
11 ~~Courts~~ Oklahoma Bar Association. The Administrative Office of the  
12 Courts shall provide public access to the summons by providing a  
13 link to the form on the Oklahoma State Courts Network (OSCN)  
14 website.

15 D. The summons required by this section shall be served upon  
16 each of the garnishees, together with a copy of the judgment  
17 creditor's affidavit, a garnishee's answer form, notice of  
18 garnishment and request for hearing, and claim for exemptions, in  
19 the manner provided for in Section 2004 of this title and shall be  
20 returned with proof of service within ten (10) days of its date.

21 E. The garnishee's answer shall be on a form prescribed by the  
22 ~~Office of the Administrative Director of the Courts~~ Oklahoma Bar  
23 Association. The Administrative Office of the Courts shall provide  
24

1 public access to the garnishee's answer by providing a link to the  
2 form on the Oklahoma State Courts Network (OSCN) website.

3 F. Within seven (7) days after the end of each pay period, or,  
4 if the judgment debtor does not have regular pay periods or is not  
5 paid by the garnishee within thirty (30) days from the date of the  
6 garnishment summons, and after any payment by the garnishee to the  
7 judgment debtor, the garnishee shall file an answer with the court  
8 clerk, and pay the amount withheld to the judgment creditor's  
9 attorney or to the judgment creditor, if there is no attorney,  
10 together with a copy of the answer which shall state:

11 1. Whether the garnishee was the employer of the defendant  
12 named in the notice, was indebted to the defendant, or was under any  
13 liability to the defendant in any manner or upon any account for  
14 earnings, specifying the beginning and ending dates of the pay  
15 period, if applicable, existing at the time of the service of the  
16 affidavit and summons, the total amounts earned in the entire pay  
17 period, and all of the facts and circumstances necessary to a  
18 complete understanding of any indebtedness or liability. When the  
19 garnishee shall be in doubt respecting the liability or  
20 indebtedness, the garnishee may set forth all of the facts and  
21 circumstances concerning the same, and submit the question to the  
22 court;

23  
24

1           2. If the garnishee shall claim any setoff, defense, other  
2 indebtedness, liability, lien, or claim to the property, the facts  
3 and circumstances in the affidavit;

4           3. At the garnishee's option, any claim of exemption from  
5 execution on the part of the defendant or other objection known to  
6 the garnishee against the right of the judgment creditor to apply  
7 the indebtedness or property disclosed;

8           4. If the garnishee shall disclose any indebtedness or the  
9 possession of any property to which the defendant or any other  
10 person makes claim, at the garnishee's option, the names and  
11 addresses of other claimants and, so far as known, the nature of  
12 their claims; and

13           5. That the garnishee has mailed or hand-delivered a copy of  
14 the notice of garnishment and exemptions, application for hearing,  
15 and the manner and date of compliance.

16           G. The garnishment summons served on the garnishee under this  
17 section is a lien on the defendant's property due at the time of  
18 service or the effective date of the summons, to the extent the  
19 property is not exempt from garnishment. This lien attaches to  
20 subsequent nonexempt earnings until one of the following occurs:

21           1. The judgment against the defendant is vacated, modified, or  
22 satisfied in full;

23           2. The summons is dismissed; or  
24



1           3. One hundred eighty (180) days from the effective date of the  
2 summons have elapsed; provided, an affidavit and summons shall  
3 continue in effect and shall apply to a pay period beginning before  
4 the end of the one-hundred-eighty-day period even if the conclusion  
5 extends beyond the end of the period.

6           H. 1. A garnishment lien under this section has priority over  
7 any subsequent garnishment lien or garnishment summons served on the  
8 garnishee during the period it is in effect, regardless of whether  
9 the amounts withheld by the garnishee are reduced by the court or by  
10 agreement of the parties.

11           2. a. When a garnishment summons is served under this  
12 section on a garnishee while a previous garnishment  
13 lien is still in effect, the garnishee shall answer  
14 the subsequent garnishment lien or garnishment summons  
15 by stating that the garnishee is presently holding  
16 defendant's property under a previous garnishment lien  
17 or garnishment summons, and by giving the date when  
18 all previous garnishment liens or garnishment summons  
19 are expected to end.

20           b. The subsequent summons is not effective if a summons  
21 or lien on the same cause of action is pending at the  
22 time of service unless the subsequent summons in the  
23 same cause of action is served after the one-hundred-  
24 fiftieth day of the previous garnishment lien.

1 I. 1. When a postjudgment wage garnishment under Section 1173  
2 of this title or a continuing earnings garnishment under this  
3 section is issued against a defendant already subject to an income  
4 assignment for child support, the garnishee shall determine the  
5 maximum percentage of the defendant's disposable earnings according  
6 to the provisions of Section 1171.2 of this title and then deduct  
7 from that percentage the actual percentage of the defendant's  
8 disposable earnings actually withheld under the income assignment.  
9 The resulting percentage shall be the amount to be withheld by the  
10 garnishee, not to exceed twenty-five percent (25%).

11 2. For any involuntary legal or equitable procedures through  
12 which the earnings of any individual are required to be withheld for  
13 the payment of any debt which has statutory priority over this  
14 section, the amount withheld pursuant to a garnishment under this  
15 section shall be reduced by the actual sums withheld pursuant to  
16 such other involuntary process.

17 J. A continuing earnings garnishment may be suspended or  
18 modified for a specific period of time within the effective period  
19 of the garnishment by the judgment creditor upon agreement with the  
20 judgment debtor, which agreement shall be in writing and filed by  
21 the judgment creditor with the clerk of the court in which the  
22 judgment was entered, and a copy of which shall be mailed by first-  
23 class mail, postage prepaid by the judgment creditor to the  
24 garnishee.

1 K. Any garnishment issued against a debtor already subject to a  
2 continuing or noncontinuing earnings garnishment shall take effect  
3 immediately upon the conclusion of the prior garnishment, and shall  
4 be effective for its full one-hundred-eighty-day period of time or  
5 as otherwise provided in subsection G of this section.

6 SECTION 8. AMENDATORY 12 O.S. 2021, Section 1174, is  
7 amended to read as follows:

8 Section 1174. A. In all cases of garnishment before judgment,  
9 the defendant in the principal action shall be given notice of the  
10 issuance in said action of any garnishee summons, the date of  
11 issuance of said summons, and the name of the garnishee.

12 B. In all cases of garnishment for the collection of child  
13 support, the defendant shall be given notice as required by this  
14 section.

15 C. In all cases of postjudgment garnishment, the court clerk  
16 shall attach notice, in a form prescribed by the ~~Administrative~~  
17 ~~Director of the Courts~~ Oklahoma Bar Association, with the  
18 garnishment, in the manner provided by Section 1172.2 of this title  
19 that the defendant may be entitled to claim an exemption for any  
20 assistance received pursuant to the terms of the Federal or Oklahoma  
21 Social Security Act and other exemptions that may be available to  
22 the defendant, and that any such claim should be filed with the  
23 court clerk within five (5) days from receipt of notice in a form  
24 prescribed by the ~~Administrative Director of the Courts~~ Oklahoma Bar

1 Association, requesting a hearing as to the status of any assets  
2 which the defendant asserts are exempt. Any proceeding to claim an  
3 exemption initiated subsequent to five (5) days after receipt of  
4 notice shall be by motion unless otherwise agreed by the parties.

5 D. The Administrative Office of the Courts shall provide public  
6 access to both the notice and claim for exemption by providing links  
7 to the forms on the Oklahoma State Courts Network (OSCN) website.

8 E. Said notification may be accomplished by:

9 1. Serving a copy of the garnishee summons on the defendant or  
10 on his or her attorney of record in the manner provided for the  
11 service of summons; or

12 2. Sending the notice or a copy of the garnishee summons to the  
13 defendant or his or her attorney of record by registered or  
14 certified mail with return receipt requested, which receipt shall be  
15 filed in the action; or

16 3. Attaching the notice on the summons issued in the principal  
17 action prior to its service; or

18 4. Including the notice in the publication notice when service  
19 in the principal action is by publication; or

20 5. Publication one time in a newspaper of general circulation  
21 in the county in which the action is filed at least five (5) days  
22 prior to the date on which the garnishee's answer is due if the  
23 defendant is a nonresident or if the defendant's whereabouts are  
24 unknown to plaintiff.

1 SECTION 9. AMENDATORY 12 O.S. 2021, Section 1178, is  
2 amended to read as follows:

3 Section 1178. A. For the purposes of this section, "earnings"  
4 means any form of payment to an individual including, but not  
5 limited to, salary, wages, commission, or other compensation, but  
6 does not include reimbursement for travel expenses for state  
7 employees.

8 B. Where the garnishment summons is on earnings and is issued  
9 under Section 1173 of this title, the garnishee shall, within seven  
10 (7) days after the end of defendant's present pay period or where a  
11 payment of earnings is due, or thirty (30) days from the service of  
12 the summons, whichever is earlier, file an affidavit with the clerk  
13 of the court in which the action is pending and deliver or mail a  
14 copy thereof to the judgment creditor or the judgment creditor's  
15 attorney of record. The affidavit shall state:

16 1. Whether the garnishee was the employer of or indebted or  
17 under any liability to the defendant named in the notice in any  
18 manner or upon any account for earnings or wages, specifying, as  
19 applicable, the beginning and ending dates of the pay period  
20 existing at the time of the service of the garnishee summons, the  
21 total amounts earned in the pay period, and all of the facts and  
22 circumstances necessary to a complete understanding of such  
23 indebtedness or liability. When the garnishee shall be in doubt  
24 respecting any such liability or indebtedness, the garnishee may set

1 forth all of the facts and circumstances concerning the same, and  
2 submit the question to the court;

3 2. If the garnishee shall claim any setoff, defense, other  
4 indebtedness, liability, lien, or claim to such property, the facts  
5 and circumstances in the affidavit;

6 3. At the garnishee's option, any claim of exemption from  
7 execution on the part of the defendant, or other objection known to  
8 the garnishee against the right of the judgment creditor to apply  
9 the indebtedness or property disclosed;

10 4. If the garnishee shall disclose any indebtedness or the  
11 possession of any property to which the defendant, or any other  
12 person, makes claim, at the garnishee's option, the names and  
13 addresses of such other claimants and, so far as known, the nature  
14 of the claims; and

15 5. The garnishee shall state that he or she has mailed or hand-  
16 delivered a copy of the notice of garnishment and exemptions,  
17 application for hearing, and the manner and date of compliance.

18 C. The garnishee's answer shall be on a form prescribed by the  
19 ~~Administrative Office of the Courts~~ Oklahoma Bar Association. The  
20 Administrative Office of the Courts shall provide public access to  
21 the garnishee's answer by providing a link to the form on the  
22 Oklahoma State Courts Network (OSCN) website.

23 SECTION 10. AMENDATORY 12 O.S. 2021, Section 1178.1, is  
24 amended to read as follows:

1 Section 1178.1 A. For the purposes of this section, "wages" or  
2 "earnings" means any form of payment to an individual including, but  
3 not limited to, salary, commission, or other compensation, but does  
4 not include reimbursement for travel expenses for state employees.

5 B. Where the garnishment summons is for the collection of  
6 support and is issued under Section 1173.2 of this title, the  
7 garnishee shall, within ten (10) days from the service of the  
8 garnishee's summons or within seven (7) days after the end of  
9 defendant's current pay period or thirty (30) days from the date of  
10 service of this summons, whichever is earlier, file an affidavit  
11 with the clerk of the court in which the action is pending and  
12 deliver or mail a copy thereof to the judgment creditor's attorney  
13 or to the judgment creditor if there is no attorney. The affidavit  
14 shall state:

15 1. Whether the garnishee was the employer of or indebted or  
16 under any liability to the defendant named in the notice in any  
17 manner or upon any account for earnings or wages specifying, as  
18 applicable, the beginning and ending dates of the pay period  
19 existing at the time of the service of the affidavit and summons,  
20 the total amounts earned in the pay period and all of the facts and  
21 circumstances necessary to a complete understanding of such  
22 indebtedness or liability. When the garnishee shall be in doubt  
23 respecting any such liability or indebtedness, the garnishee may set  
24

1 forth all of the facts and circumstances concerning the same, and  
2 submit the question to the court;

3 2. Whether the garnishee was indebted or under any liability to  
4 or had in garnishee's possession or control, any property belonging  
5 to the defendant. When the garnishee shall be in doubt respecting  
6 any such liability or indebtedness, the garnishee may set forth all  
7 of the facts and circumstances concerning the same, and submit the  
8 question to the court;

9 3. If the garnishee shall claim any setoff, defense, other  
10 indebtedness, liability, lien, or claim to such property, the facts  
11 and circumstances in the affidavit;

12 4. At the garnishee's option any claim of exemption from  
13 execution on the part of the defendant, or other objection known to  
14 the garnishee against the right of the judgment creditor, to apply  
15 the indebtedness or property disclosed;

16 5. If the garnishee shall disclose any indebtedness or the  
17 possession of any property to which the defendant or any other  
18 person, makes claim, at the garnishee's option the names and  
19 addresses of such other claimants and, so far as known, the nature  
20 of the claims; and

21 6. That the garnishee has mailed or hand-delivered a copy of  
22 the notice of garnishment and exemptions, application for hearing,  
23 and the manner and date of compliance.

24



1 C. The ~~answer of the garnishee's answer~~ shall be on a form  
2 prescribed by the ~~Administrative Office of the Courts~~ Oklahoma Bar  
3 Association. The Administrative Office of the Courts shall provide  
4 public access to the garnishee's answer by providing a link to the  
5 form on the Oklahoma State Courts Network (OSCN) website.

6 SECTION 11. AMENDATORY 12 O.S. 2021, Section 1178.2, is  
7 amended to read as follows:

8 Section 1178.2 A. Where the garnishment summons is not on  
9 earnings, is not for the collection of child support and is issued  
10 under Section 1173.3 of this title, then unless the garnishee shall  
11 make the affidavit provided for in Section 1176 of this title, the  
12 garnishee shall, within ten (10) days from the service of the  
13 garnishee's summons, file an affidavit with the clerk of the court  
14 in which the action is pending and deliver or mail a copy thereof to  
15 the judgment creditor's attorney or to the judgment creditor if  
16 there is no attorney. The affidavit shall state:

17 1. Whether the garnishee was indebted or under any liability to  
18 the defendant named in the notice in any manner or upon any account  
19 specifying if indebted or liable, the amount, the interest thereon,  
20 the manner in which evidenced, when payable, whether an absolute or  
21 contingent liability and all of the facts and circumstances  
22 necessary to a complete understanding of such indebtedness or  
23 liability. When the garnishee shall be in doubt respecting any such  
24 liability or indebtedness, the garnishee may set forth all of the

1 facts and circumstances concerning the same, and submit the question  
2 to the court;

3 2. Whether the garnishee was indebted or under any liability to  
4 or had in garnishee's possession or control, any property belonging  
5 to the defendant. When the garnishee shall be in doubt respecting  
6 any such liability or indebtedness, the garnishee may set forth all  
7 of the facts and circumstances concerning the same, and submit the  
8 question to the court;

9 3. If the garnishee shall claim any setoff, defense, other  
10 indebtedness, liability, lien, or claim to such property, the facts  
11 and circumstances in the affidavit;

12 4. At the garnishee's option, any claim of exemption from  
13 execution on the part of the defendant, or other objection known to  
14 the garnishee against the right of the judgment creditor to apply  
15 the indebtedness or property disclosed;

16 5. If the garnishee shall disclose any indebtedness or the  
17 possession of any property to which the defendant or any other  
18 person makes claim, at the garnishee's option, the names and  
19 addresses of such other claimants and, so far as known, the nature  
20 of the claims; and

21 6. That the garnishee has mailed or hand-delivered a copy of  
22 the notice of garnishment and exemptions, application for hearing,  
23 and the manner and date of compliance.

24

1 B. The answer of the garnishee shall be on a form prescribed by  
2 the ~~Administrative Office of the Courts~~ Oklahoma Bar Association.  
3 The Administrative Office of the Courts shall provide public access  
4 to the garnishee's answer by providing a link to the form on the  
5 Oklahoma State Courts Network (OSCN) website.

6 SECTION 12. AMENDATORY 12 O.S. 2021, Section 1772, is  
7 amended to read as follows:

8 Section 1772. Judgments for the payment of money shall be  
9 processed and collected as follows:

10 1. Incident to the entering of the judgment and while the  
11 parties are still under oath:

12 a. the court may arrange a judgment satisfaction plan and  
13 enter a writ of execution, and

14 b. the court may secure a listing and description of the  
15 judgment debtor's assets from the judgment debtor in  
16 case subsequent attachment of property becomes  
17 necessary to collect an unsatisfied judgment. Forms  
18 for an application and order to appear and answer as  
19 to assets and interrogatories to be answered by the  
20 debtor shall be supplied by the court clerk on forms  
21 promulgated by the ~~Director of the Administrative~~  
22 ~~Office of the Courts~~ Oklahoma Bar Association.

23 2. If the judgment debtor fails to satisfy the judgment in  
24 accordance with the judgment satisfaction plan, the judgment

1 creditor shall attempt to contact the judgment debtor and collect  
2 the same.

3 3. If the judgment debtor still fails to satisfy the judgment,  
4 the judgment creditor may:

5 a. require the debtor to appear and answer  
6 interrogatories regarding assets, or

7 b. request the issuance of a writ of execution or a  
8 garnishment summons on forms provided by the court  
9 clerk.

10 4. Except as provided in this section, proceedings hereunder to  
11 collect the judgment shall be conducted pursuant to the provisions  
12 of this title.

13 SECTION 13. This act shall become effective November 1, 2023.

14  
15 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CIVIL, dated  
16 03/02/2023 - DO PASS, As Amended and Coauthored.

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