

1 ENGROSSED HOUSE  
2 BILL NO. 2792

By: Stinson and Waldron of the  
House

3 and

4 Howard of the Senate  
5

6 An Act relating to civil procedure; amending 12 O.S.  
7 2021, Sections 1148.15 and 1148.16, which relate to  
8 affidavit and summons form for unlawful entry and  
9 detainer actions; removing affidavit form; directing  
10 the Oklahoma Bar Association to promulgate clear and  
11 understandable form for forcible entry and detainer  
12 action affidavits; providing that the Administrative  
13 Office of the Courts shall make certain forms  
14 available to access on the Oklahoma State Courts  
15 Network (OSCN) website; removing summons form;  
16 directing the Oklahoma Bar Association to promulgate  
17 clear and understandable form for forcible entry and  
18 detainer action summons; providing that the  
19 Administrative Office of the Courts shall make  
20 certain forms available to access on the Oklahoma  
21 State Courts Network (OSCN) website; providing timing  
22 requirements for summons delivery; amending 12 O.S.  
23 2021, Sections 1172, 1173, 1173.2, 1173.4, 1174,  
24 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.

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

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

Section 1148.15 The actions for unlawful entry and detainer,  
commonly known as an eviction, standing alone or when joined with a

1 claim for collection of rent or damages to the premises, or both,  
2 shall be commenced by filing an affidavit ~~in substantially the~~  
3 ~~following form with the clerk of the court:~~ with the clerk of the  
4 court. This affidavit is to be developed by the Oklahoma Bar  
5 Association using plain and understandable language. The  
6 Administrative Office of the Courts shall provide public access to  
7 the affidavit by providing a link to the form on the Oklahoma State  
8 Courts Network (OSCN) website.

9 ~~In the District Court, County of \_\_\_\_\_,~~  
10 ~~State of Oklahoma.~~

11 \_\_\_\_\_  
12 \_\_\_\_\_

12 Plaintiff

13 vs. \_\_\_\_\_ No. \_\_\_\_\_

14 \_\_\_\_\_  
15 \_\_\_\_\_

15 Defendant

16 ~~STATE OF OKLAHOMA)~~

17 ~~) ss~~

18 ~~COUNTY OF \_\_\_\_\_)~~

19 AFFIDAVIT

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

21 The defendant resides at \_\_\_\_\_, in the  
22 above named county, and defendant's mailing address is

23 \_\_\_\_\_  
24 \_\_\_\_\_



1 language by the Oklahoma Bar Association. The Administrative Office  
2 of the Courts shall provide public access to the affidavit by  
3 providing a link to the form on the Oklahoma State Courts Network  
4 (OSCN) website. The summons shall be delivered no less than three  
5 (3) days before the scheduled time and date of the court hearing.  
6 This scheduled date and time shall not be less than five (5) days  
7 from the date the summons is issued.

8 SUMMONS

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

10 ~~You are hereby directed to relinquish immediately to the~~  
11 ~~plaintiff herein total possession of the real property described as~~  
12 \_\_\_\_\_

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

15 ~~This matter shall be heard at \_\_\_\_\_ (name or~~  
16 ~~address of building), in \_\_\_\_\_, County of \_\_\_\_\_,~~  
17 ~~State of Oklahoma, at the hour of \_\_\_\_\_ o'clock of \_\_\_\_\_ day of~~  
18 ~~\_\_\_\_\_ month, 19\_\_\_\_, or at the same time and place three (3) days~~  
19 ~~after service hereof, whichever is the latter. (This date shall be~~  
20 ~~not less than five (5) days from the date summons is issued). You~~  
21 ~~are further notified that if you do not appear on the date shown,~~  
22 ~~judgment will be given against you as follows:~~

23 ~~For the amount of the claim for deficient rent and/or damages to~~  
24 ~~the premises, as it is stated in the affidavit of the plaintiff and~~

1 ~~for possession of the real property described in said affidavit,~~  
2 ~~whereupon a writ of assistance shall issue directing the sheriff to~~  
3 ~~remove you from said premises and take possession thereof.~~

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

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

7 \_\_\_\_\_  
8 \_\_\_\_\_

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

9 \_\_\_\_\_  
10 \_\_\_\_\_

10 ~~Plaintiff or Attorney~~

11 \_\_\_\_\_  
12 \_\_\_\_\_

12 ~~Address~~

13 \_\_\_\_\_  
14 \_\_\_\_\_

14 ~~Telephone Number~~

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

17 Section 1172. A. Garnishment proceedings, whether prejudgment  
18 or postjudgment, shall be commenced by the filing of an affidavit,  
19 on a form prescribed by the ~~Administrative Director of the Courts~~  
20 Oklahoma Bar Association. The Administrative Office of the Courts  
21 shall provide public access to the affidavit by providing a link to  
22 the form on the Oklahoma State Courts Network (OSCN) website,  
23 stating:

- 24 1. The name(s) of the plaintiff(s);

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

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

5           4. In the case of postjudgment garnishments, the amount of the  
6 interest-bearing balance;

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

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

16           B. The affidavit may be filed by the plaintiff or the  
17 plaintiff's attorney at or before the time of filing of a  
18 garnishment summons.

19           C. Only one garnishee may be embraced in any affidavit or  
20 garnishment summons.

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

23           Section 1173. A. Any judgment creditor may obtain a  
24 noncontinuing lien on earnings. For the purposes of this section,

1 "earnings" means any form of payment to an individual including, but  
2 not limited to, salary, commission, or other compensation, but does  
3 not include reimbursements for travel expenses for state employees.

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

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

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

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

22 F. Within seven (7) days after the end of the defendant's then-  
23 current pay period or thirty (30) days from the date of service of  
24 the garnishment summons, whichever is earlier, the garnishee shall

1 file the answer with the court clerk and the garnishee shall pay the  
2 amount withheld from the pay period to the judgment creditor's  
3 attorney or to the judgment creditor, if there is no attorney, with  
4 a copy of the answer which shall state:

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

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

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

23 4. If the garnishee shall disclose any indebtedness or the  
24 possession of any property to which the defendant or any other



1 person makes claim, at the garnishee's option, the names and  
2 addresses of other claimants and, so far as known, the nature of the  
3 claims; and

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

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

11 H. 1. A garnishment lien under this section has priority over  
12 any subsequent garnishment lien or garnishment summons served on the  
13 garnishee.

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

21 I. 1. When a postjudgment noncontinuing earnings garnishment  
22 under this section or a continuing earnings garnishment under  
23 Section 1173.4 of this title is issued against a defendant already  
24 subject to an income assignment for child support, the garnishee

1 shall determine the maximum percentage of the defendant's disposable  
2 earnings according to the provisions of Section 1171.2 of this title  
3 and then deduct from that percentage the actual percentage of the  
4 defendant's disposable earnings actually withheld under the income  
5 assignment. The resulting percentage shall be the amount to be  
6 withheld by the garnishee, not to exceed twenty-five percent (25%).

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

13 J. A noncontinuing earnings garnishment may be suspended or  
14 modified by the judgment creditor upon agreement with the judgment  
15 debtor, which agreement shall be in writing and filed by the  
16 judgment creditor with the clerk of the court in which the judgment  
17 was entered. A copy of such agreement shall be mailed by first  
18 class mail to the garnishee, postage prepaid by judgment creditor.

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

21 Section 1173.2 Upon the filing of such affidavit and the  
22 undertaking and, when a hearing is required, after said hearing,  
23 where the garnishment is for the collection of support, garnishee  
24 summons shall be issued by the judge of the district court if

1 prejudgment garnishment is sought or by the clerk of the district  
2 court if postjudgment garnishment is sought and served upon each of  
3 the garnishees, in the manner provided for service of summons, and  
4 shall be returned with proof of service within five (5) days of its  
5 date except when issued to another county it shall be returned with  
6 proof of service within ten (10) days from its date. The garnishee  
7 summons shall be on a form prescribed by the ~~Administrative Office~~  
8 ~~of the Courts~~ Oklahoma Bar Association. The Administrative Office  
9 of the Courts shall provide for public access to the garnishee  
10 summons by providing a link to the form on Oklahoma State Courts  
11 Network (OSCN) website.

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

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

16 B. The summons required by this section shall be on a form  
17 prescribed by the ~~Office of the Administrative Director of the~~  
18 ~~Courts~~ Oklahoma Bar Association. The Administrative Office of the  
19 Courts shall provide public access to the summons by providing a  
20 link to the form on the Oklahoma State Courts Network (OSCN)  
21 website.

22 C. The summons required by subsection B of this section shall  
23 be served upon the garnishee together with a copy of the judgment  
24 creditor's affidavit, a garnishee's answer form, notice of

1 garnishment and request for hearing, and claim for exemptions in the  
2 manner provided for in Section 2004 of this title and shall be  
3 returned with proof of service within ten (10) days of its date.

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

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

15 1. Whether the garnishee was indebted or under any liability to  
16 or had in garnishee's possession or control, any property belonging  
17 to the defendant. When the garnishee shall be in doubt respecting  
18 any such liability or indebtedness, the garnishee may set forth all  
19 of the facts and circumstances concerning the same, and submit the  
20 question to the court;

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

24

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 such other claimants and, so far as known, the nature  
9 of the 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          F. The garnishment summons and affidavit served on the  
14 garnishee under this section are a lien on the defendant's property  
15 due at the time of service of the summons to the extent the property  
16 is not exempt from garnishment.

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

19          Section 1173.4 A. Any judgment creditor may obtain a  
20 continuing lien on earnings. For the purposes of this section,  
21 "earnings" means any form of payment to an individual including, but  
22 not limited to, salary, wages, commission, or other compensation,  
23 but does not include reimbursements for travel expenses for state  
24 employees.

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

3 C. The summons required by this section shall be on a form  
4 prescribed by the ~~Administrative Office of the Courts~~ Oklahoma Bar  
5 Association. The Administrative Office of the Courts shall provide  
6 public access to the summons by providing a link to the form on the  
7 Oklahoma State Courts Network (OSCN) website.

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

14 E. The garnishee's answer shall be on a form prescribed by the  
15 ~~Administrative Office of the Courts~~ Oklahoma Bar Association. The  
16 Administrative Office of the Courts shall provide public access to  
17 the garnishee's answer by providing a link to the form on the  
18 Oklahoma State Courts Network (OSCN) website.

19 F. Within seven (7) days after the end of each pay period, or,  
20 if the judgment debtor does not have regular pay periods or is not  
21 paid by the garnishee within thirty (30) days from the date of the  
22 garnishment summons, and after any payment by the garnishee to the  
23 judgment debtor, the garnishee shall file an answer with the court  
24 clerk, and pay the amount withheld to the judgment creditor's

1 attorney or to the judgment creditor, if there is no attorney,  
2 together with a copy of the answer which shall state:

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

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

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

22 4. If the garnishee shall disclose any indebtedness or the  
23 possession of any property to which the defendant or any other  
24 person makes claim, at the garnishee's option, the names and

1 addresses of other claimants and, so far as known, the nature of  
2 their claims; and

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

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

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

13 2. The summons is dismissed; or

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

19 H. 1. A garnishment lien under this section has priority over  
20 any subsequent garnishment lien or garnishment summons served on the  
21 garnishee during the period it is in effect, regardless of whether  
22 the amounts withheld by the garnishee are reduced by the court or by  
23 agreement of the parties.

24



1           2.    a.    When a garnishment summons is served under this  
2                    section on a garnishee while a previous garnishment  
3                    lien is still in effect, the garnishee shall answer  
4                    the subsequent garnishment lien or garnishment summons  
5                    by stating that the garnishee is presently holding  
6                    defendant's property under a previous garnishment lien  
7                    or garnishment summons, and by giving the date when  
8                    all previous garnishment liens or garnishment summons  
9                    are expected to end.

10           b.    The subsequent summons is not effective if a summons  
11                    or lien on the same cause of action is pending at the  
12                    time of service unless the subsequent summons in the  
13                    same cause of action is served after the one-hundred-  
14                    fiftieth day of the previous garnishment lien.

15           I.    1.    When a postjudgment wage garnishment under Section 1173  
16 of this title or a continuing earnings garnishment under this  
17 section is issued against a defendant already subject to an income  
18 assignment for child support, the garnishee shall determine the  
19 maximum percentage of the defendant's disposable earnings according  
20 to the provisions of Section 1171.2 of this title and then deduct  
21 from that percentage the actual percentage of the defendant's  
22 disposable earnings actually withheld under the income assignment.  
23 The resulting percentage shall be the amount to be withheld by the  
24 garnishee, not to exceed twenty-five percent (25%).

1           2. For any involuntary legal or equitable procedures through  
2 which the earnings of any individual are required to be withheld for  
3 the payment of any debt which has statutory priority over this  
4 section, the amount withheld pursuant to a garnishment under this  
5 section shall be reduced by the actual sums withheld pursuant to  
6 such other involuntary process.

7           J. A continuing earnings garnishment may be suspended or  
8 modified for a specific period of time within the effective period  
9 of the garnishment by the judgment creditor upon agreement with the  
10 judgment debtor, which agreement shall be in writing and filed by  
11 the judgment creditor with the clerk of the court in which the  
12 judgment was entered, and a copy of which shall be mailed by first-  
13 class mail, postage prepaid by the judgment creditor to the  
14 garnishee.

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

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

22           Section 1174.    A. In all cases of garnishment before judgment,  
23 the defendant in the principal action shall be given notice of the  
24

1 issuance in said action of any garnishee summons, the date of  
2 issuance of said summons, and the name of the garnishee.

3 B. In all cases of garnishment for the collection of child  
4 support, the defendant shall be given notice as required by this  
5 section.

6 C. In all cases of postjudgment garnishment, the court clerk  
7 shall attach notice, in a form prescribed by the ~~Administrative~~  
8 ~~Director of the Courts~~ Oklahoma Bar Association, with the  
9 garnishment, in the manner provided by Section 1172.2 of this title  
10 that the defendant may be entitled to claim an exemption for any  
11 assistance received pursuant to the terms of the Federal or Oklahoma  
12 Social Security Act and other exemptions that may be available to  
13 the defendant, and that any such claim should be filed with the  
14 court clerk within five (5) days from receipt of notice in a form  
15 prescribed by the ~~Administrative Director of the Courts~~ Oklahoma Bar  
16 Association, requesting a hearing as to the status of any assets  
17 which the defendant asserts are exempt. Any proceeding to claim an  
18 exemption initiated subsequent to five (5) days after receipt of  
19 notice shall be by motion unless otherwise agreed by the parties.

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

23 E. Said notification may be accomplished by:  
24

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

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

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

10          4. Including the notice in the publication notice when service  
11 in the principal action is by publication; or

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

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

19          Section 1178. A. For the purposes of this section, "earnings"  
20 means any form of payment to an individual including, but not  
21 limited to, salary, wages, commission, or other compensation, but  
22 does not include reimbursement for travel expenses for state  
23 employees.

24

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

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

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

23 3. At the garnishee's option, any claim of exemption from  
24 execution on the part of the defendant, or other objection known to

1 the garnishee against the right of the judgment creditor to apply  
2 the indebtedness or property disclosed;

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

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

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

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

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

22 B. Where the garnishment summons is for the collection of  
23 support and is issued under Section 1173.2 of this title, the  
24 garnishee shall, within ten (10) days from the service of the

1 garnishee's summons or within seven (7) days after the end of  
2 defendant's current pay period or thirty (30) days from the date of  
3 service of this summons, whichever is earlier, file an affidavit  
4 with the clerk of the court in which the action is pending and  
5 deliver or mail a copy thereof to the judgment creditor's attorney  
6 or to the judgment creditor if there is no attorney. The affidavit  
7 shall state:

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

19 2. Whether the garnishee was indebted or under any liability to  
20 or had in garnishee's possession or control, any property belonging  
21 to the defendant. When the garnishee shall be in doubt respecting  
22 any such liability or indebtedness, the garnishee may set forth all  
23 of the facts and circumstances concerning the same, and submit the  
24 question to the court;

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

4 4. 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 5. 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 such other claimants and, so far as known, the nature  
12 of the claims; and

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

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

23 Section 1178.2 A. Where the garnishment summons is not on  
24 earnings, is not for the collection of child support and is issued



1 under Section 1173.3 of this title, then unless the garnishee shall  
2 make the affidavit provided for in Section 1176 of this title, the  
3 garnishee shall, within ten (10) days from the service of the  
4 garnishee's summons, file an affidavit with the clerk of the court  
5 in which the action is pending and deliver or mail a copy thereof to  
6 the judgment creditor's attorney or to the judgment creditor if  
7 there is no attorney. The affidavit shall state:

8 1. Whether the garnishee was indebted or under any liability to  
9 the defendant named in the notice in any manner or upon any account  
10 specifying if indebted or liable, the amount, the interest thereon,  
11 the manner in which evidenced, when payable, whether an absolute or  
12 contingent liability and all of the facts and circumstances  
13 necessary to a complete understanding of such indebtedness or  
14 liability. When the garnishee shall be in doubt respecting any such  
15 liability or indebtedness, the garnishee may set forth all of the  
16 facts and circumstances concerning the same, and submit the question  
17 to the court;

18 2. Whether the garnishee was indebted or under any liability to  
19 or had in garnishee's possession or control, any property belonging  
20 to the defendant. When the garnishee shall be in doubt respecting  
21 any such liability or indebtedness, the garnishee may set forth all  
22 of the facts and circumstances concerning the same, and submit the  
23 question to the court;

24

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

4 4. 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 5. 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 such other claimants and, so far as known, the nature  
12 of the claims; and

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

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

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

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

3 a. the court may arrange a judgment satisfaction plan and  
4 enter a writ of execution, and

5 b. the court may secure a listing and description of the  
6 judgment debtor's assets from the judgment debtor in  
7 case subsequent attachment of property becomes  
8 necessary to collect an unsatisfied judgment. Forms  
9 for an application and order to appear and answer as  
10 to assets and interrogatories to be answered by the  
11 debtor shall be supplied by the court clerk on forms  
12 promulgated by the ~~Director of the Administrative~~  
13 ~~Office of the Courts~~ Oklahoma Bar Association.

14 2. If the judgment debtor fails to satisfy the judgment in  
15 accordance with the judgment satisfaction plan, the judgment  
16 creditor shall attempt to contact the judgment debtor and collect  
17 the same.

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

20 a. require the debtor to appear and answer  
21 interrogatories regarding assets, or

22 b. request the issuance of a writ of execution or a  
23 garnishment summons on forms provided by the court  
24 clerk.

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

SECTION 13. This act shall become effective November 1, 2023.  
Passed the House of Representatives the 20th day of March, 2023.

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Presiding Officer of the Senate