

1 ENGROSSED SENATE AMENDMENT  
TO  
2 ENGROSSED HOUSE  
BILL NO. 3467

By: Moore of the House

and

Howard of the Senate

7 An Act relating to civil procedure; amending 12 O.S.  
8 2021, Section 1513, which relates to partition by  
9 sale; providing for some property to be divided in  
10 kind while remaining property to be portioned by  
11 sale; providing procedure for subdividing property;  
12 providing procedure for sale; defining term; and  
13 providing an effective date.

13 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and  
14 entire bill and insert

15 "An Act relating to partition; amending 12 O.S. 2021,  
16 Section 1513, which relates to sale of property;  
17 authorizing division of property for certain  
18 purposes; requiring sealed bid auction for certain  
19 property upon court order; establishing procedures  
20 for sealed bid auction for certain property;  
21 authorizing court to order sale of certain property  
22 by public auction upon certain finding; establishing  
23 procedures for certain auction; authorizing certain  
24 sale terms for certain property; establishing  
procedures for court approval of certain sale;  
requiring execution and delivery of deeds by sheriff  
under certain circumstances; defining term; updating  
statutory language; and providing an effective date.

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

1 SECTION 1. AMENDATORY 12 O.S. 2021, Section 1513, is  
2 amended to read as follows:

3 Section 1513. A. If none of the parties elect to take the  
4 property at the valuation, or if ~~several~~ two or more of the parties  
5 elect to take the ~~same~~ property at the valuation, in opposition to  
6 each other, the court shall make an order directing the sale of the  
7 property. Upon agreement of all parties, the court may partition a  
8 portion of the property in kind and order the balance of the  
9 property to be partitioned by sale. If the court order directs the  
10 sale due to two or more opposing parties electing to take the  
11 property at the same valuation, the court shall hold a sealed bid  
12 auction between or among the opposing parties. The court shall set  
13 a date, not less than ten (10) days after the closing of the  
14 election to take the property at valuation, by which the parties  
15 shall submit a sealed bid to the court of their best and final offer  
16 for the property, which shall be at least the appraised value set by  
17 the commissioners. The court shall set a hearing to open all sealed  
18 bids, the property shall be sold to the party submitting the highest  
19 bid and, upon the court's final approval and confirmation of the  
20 sale, the sheriff shall execute and deliver one or more sheriff's  
21 deed or deeds in accordance with the order of the court. Unless the  
22 court orders a sale by public auction conducted by an auctioneer  
23 pursuant to subsection B of this section, the court shall direct the  
24 sheriff of the county to sell the ~~same~~, property in the same manner

1 as in sales of real estate on execution; but no sale, whether by  
2 sheriff or auctioneer, shall be made at less than two-thirds (2/3)  
3 of the valuation placed upon the property by the commissioners.

4 B. Any property to be partitioned by sale may be sold at a  
5 public auction conducted by an auctioneer in lieu of a sale by  
6 sheriff. Upon the request of a party, the court may order a sale of  
7 the property at a public auction conducted by an auctioneer if the  
8 court finds that such sale is likely to result in a higher aggregate  
9 net price than a sale by sheriff using the procedures for sales of  
10 real estate on execution. Any sale by an auctioneer pursuant to  
11 this subsection shall be conducted in a manner consistent with the  
12 auction procedures and sale terms approved by the court, which may  
13 include provisions for:

- 14 1. Offering noncontiguous land as separate tracts;
- 15 2. Dividing any contiguous land into multiple tracts for  
16 purposes of the auction; or
- 17 3. Selling multiple tracts separately or in one or more  
18 combinations in a manner resulting in the highest total price.

19 After the auction, any party may report the auction results to the  
20 court and, upon the court's final approval and confirmation of the  
21 sale, the sheriff shall execute and deliver one or more sheriff's  
22 deed or deeds in accordance with the order of the court.

23 C. For purposes of this section, "auctioneer" means an  
24 individual or company that is licensed to sell real estate in this



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7 An Act relating to civil procedure; amending 12 O.S.  
8 2021, Section 1513, which relates to partition by  
9 sale; providing for some property to be divided in  
10 kind while remaining property to be portioned by  
11 sale; providing procedure for subdividing property;  
12 providing procedure for sale; defining term; and  
13 providing an effective date.

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

15 SECTION 3. AMENDATORY 12 O.S. 2021, Section 1513, is  
16 amended to read as follows:

17 Section 1513. A. If none of the parties elect to take the  
18 property at the valuation, or if several of the parties elect to  
19 take the same at the valuation, in opposition to each other, the  
20 court shall make an order directing the sale of the property.

21 Unless the court orders a sale by public auction conducted by an  
22 auctioneer pursuant to subsection C of this section, the court shall  
23 direct the sheriff of the county to sell the same, in the same  
24 manner as in sales of real estate on execution property in the same  
manner as in sales of real estate on execution; but no sale (whether

1 by sheriff or auctioneer) shall be made at less than two-thirds  
2 (2/3) of the valuation placed upon the property by the  
3 commissioners.

4 B. The court may, upon the parties' agreement, partition some  
5 of the property in kind and order the balance of the property to be  
6 partitioned by sale.

7 C. Any property to be partitioned by sale may be sold at a  
8 public auction conducted by an auctioneer, in lieu of a sale by  
9 sheriff, in accordance with the provisions of this subsection. Upon  
10 the request of an interested party, the court may order a sale of  
11 the property at a public auction conducted by an auctioneer if the  
12 court finds that such sale is likely to result in a higher aggregate  
13 net price than a sale by sheriff using the procedures for sales of  
14 real estate on execution. Any sale by an auctioneer pursuant to  
15 this subsection shall be conducted in a manner consistent with the  
16 auction procedures and sale terms approved by the court, which may  
17 include provisions for: (1) offering noncontiguous land as separate  
18 tracts; (2) dividing any contiguous land into multiple tracts for  
19 purposes of the auction; and/or (3) selling multiple tracts  
20 separately and/or in one or more combinations in a manner resulting  
21 in the highest total price. After the auction, any interested party  
22 may report the auction results to the court and, upon the court's  
23 final approval and confirmation of the sale, the sheriff shall

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1 execute and deliver one or more sheriff's deed(s) in accordance with  
2 the order of the court.

3 D. For purposes of this section, "auctioneer" means an  
4 individual or company that is licensed to sell real estate in the  
5 State of Oklahoma and engaged in the business of selling real estate  
6 by public auction.

7 SECTION 4. This act shall become effective November 1, 2024.

8 Passed the House of Representatives the 27th day of February,  
9 2024.

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

13 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2024.

15 \_\_\_\_\_  
16 Presiding Officer of the Senate