



1 a. causes a written notice of sale executed by the  
2 sheriff describing the goods or chattels subject to  
3 sale and stating the date, time and place where the  
4 sale shall occur to be mailed, by first class mail,  
5 postage prepaid, to the judgment debtor, any holder of  
6 record of an interest in the property, and all other  
7 persons of whom the party causing the execution to be  
8 issued has notice who claim a lien or any interest in  
9 the goods or chattels, at least ten (10) days prior to  
10 the date of the sale, if the names and actual  
11 addresses of such persons are known, ~~and~~

12 b. causes public notice to be given of the date, time and  
13 place of sale, for at least ten (10) days before the  
14 day of sale. The notice shall be executed by the  
15 sheriff and shall state the name of any person having  
16 an interest in the property whose actual address is  
17 unknown, and shall designate the person or persons  
18 whose unknown successors are being notified. The  
19 notice shall be given by advertisement, published in  
20 some newspaper published in the county, or, in case no  
21 newspaper ~~be~~ is published therein, by setting up  
22 advertisements in five public places in the county.  
23 Two advertisements shall be put up in the township  
24 where the sale is to be held, and

1 c. files in the case an affidavit of proof of mailing and  
2 of publication or posting.

3 2. A written notice of sale executed prior to ~~the effective~~  
4 ~~date of this act~~ November 1, 1987, by the party causing the  
5 execution to be issued but otherwise conforming to the provisions of  
6 this section shall, for all purposes, be deemed valid.

7 B. 1. If a purchaser other than the party causing the  
8 execution to be issued, when required by the sheriff, fails to post  
9 cash or certified funds equal to ten percent (10%) of the amount bid  
10 for the property within twenty-four (24) hours of the sale,  
11 excluding Sundays and legal holidays, or otherwise fails to complete  
12 the sale, the sheriff may proceed with the sale and may accept the  
13 next highest bid.

14 2. When goods and chattels levied upon cannot be sold for want  
15 of bidders, the officer making such return shall affix a true and  
16 correct inventory of such goods and chattels to the execution, and  
17 the party causing such execution to be issued may thereupon sue out  
18 another writ of execution, directing the sale of the property levied  
19 upon as provided for in this section.

20 C. All sales of goods and chattels may be conducted by public  
21 auction through the Internet or other electronic means pursuant to  
22 this section. For a public auction held by Internet or other  
23 electronic means, the place may include the Internet website of an  
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1 online auction marketplace selected by the sheriff to host and  
2 conduct the sheriff's sale of goods and chattels.

3 D. No sheriff nor other officer conducting the sale of such  
4 property, nor any appraiser or online auction marketplace, shall  
5 either directly or indirectly purchase the same; and every purchase  
6 so made shall be considered fraudulent and void. If the online  
7 auction marketplace is a corporation, limited liability company,  
8 limited liability partnership, or partnership, the foregoing  
9 restriction shall apply to any director, officer, employee, managing  
10 member, or partner of such appraiser or online auction marketplace.

11 E. In the case of a sale by a sheriff conducted through an  
12 online auction marketplace, the online auction marketplace may  
13 collect deposits and hold payments by wire transfer, electronic  
14 fund transfer, or cashier's check from a registered bidder, and  
15 additional purchase money payments up to the full amount of the  
16 winning bid, settle the transaction, and then remit payment of the  
17 purchase price money to the court clerk as directed by the sheriff  
18 or the court. Except as provided in Section 765 of this title, no  
19 buyer's premium shall be charged to a buyer on any sale including a  
20 sale conducted through an online auction platform. Any fee charged  
21 by an online marketplace and all costs incurred by the online  
22 auction marketplace shall be assessed as costs at one and six-tenths  
23 percent (1.6%) of selling price not to exceed Three Hundred Twenty-  
24 five Dollars (\$325.00).

1        F. The provisions of this section shall apply only to sales  
2 conducted by sheriffs and shall not apply to any other public  
3 auction.

4        SECTION 2.        AMENDATORY        12 O.S. 2021, Section 765, as  
5 amended by Section 2, Chapter 326, O.S.L. 2022 (12 O.S. Supp. 2023,  
6 Section 765), is amended to read as follows:

7        Section 765. A. Upon the return of any writ of execution for  
8 the satisfaction of which any lands or tenements have been sold, the  
9 party causing the execution to be issued shall:

10        1. Cause a written notice of hearing on the confirmation of the  
11 sale to be mailed, by first class mail, postage prepaid, to all  
12 persons to whom mailing of the notice of the execution sale was  
13 required to be made pursuant to Section 764 of this title and to the  
14 high bidder at such sale, at least ten (10) days before the hearing  
15 on the confirmation of the sale, and if the name or address of any  
16 such person is unknown, shall cause a notice of the hearing on the  
17 confirmation of the sale to be published in a newspaper authorized  
18 by law to publish legal notices in the county in which the property  
19 is situated. If no newspaper authorized by law to publish legal  
20 notices is published in such county, the notice shall be published  
21 in some such newspaper of general circulation which is published in  
22 an adjoining county. The notice shall state the name of any person  
23 being so notified and shall be published once at least ten (10) days  
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1 prior to the date of the hearing on the confirmation of the sale;  
2 and

3 2. Files in the case an affidavit of proof of mailing, and if  
4 required, of publication.

5 B. Any person filing a written objection to the confirmation of  
6 the sale shall cause a copy of such written objection to be mailed,  
7 prior to the hearing on the confirmation of the sale, by first class  
8 mail, postage prepaid, to all persons to whom mailing of the notice  
9 of the hearing on the confirmation of the sale was required to be  
10 made pursuant to this section. The court may continue the hearing  
11 or make such other orders as are necessary to allow the interested  
12 persons to adequately support or oppose any such objections to the  
13 confirmation of the sale. If the court, after having carefully  
14 examined the proceedings of the officer, is satisfied that the sale  
15 has, in all respects, been made in conformity with the provisions of  
16 this article, the court shall direct the clerk to make an entry on  
17 the journal that the court is satisfied of the legality of such sale  
18 and shall order that the officer make to the purchaser a deed for  
19 such lands and tenements; and the officer, on making such sale,  
20 shall deposit the purchase money with the clerk of the court from  
21 which said writ of execution issued, where same shall remain until  
22 the court shall have examined his proceedings as aforesaid, when  
23 said clerk of the court shall pay the same to the person entitled  
24 thereto, agreeable to the order of the court. In the case of a sale

1 by a sheriff conducted through an online auction marketplace, the  
2 online auction marketplace may collect and hold deposits and  
3 additional purchase money payments up to the full amount of the  
4 winning bid, settle the transaction, and then remit payment of the  
5 purchase money to the court clerk as directed by the sheriff or the  
6 court. ~~Any~~ No buyer's premium shall be charged to a buyer ~~for~~ on  
7 any sale including when a sale is conducted through an online  
8 auction marketplace ~~services rendered to the buyer shall not be~~  
9 ~~considered purchase price provided that the buyer's premium is~~  
10 ~~disclosed in advance in the listing platform.~~ The fee charged by  
11 the online auction marketplace and all costs incurred by the online  
12 marketplace shall be assessed as costs at one and six-tenths percent  
13 (1.6%) of selling price not to exceed Three Hundred Twenty-five  
14 Dollars (\$325.00).

15 SECTION 3. This act shall become effective November 1, 2024.

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17 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE, dated  
18 04/03/2024 - DO PASS.

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