

1 **SENATE FLOOR VERSION**

2 February 19, 2019

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 346

6 By: Bice of the Senate

7 and

8 McCall of the House

9 An Act relating to property subject to forced sale;
10 amending 12 O.S. 2011, Section 759, which relates to
11 appraisal of property; modifying procedure for
12 appraisal of property; requiring written affidavit of
13 impartiality; establishing requirements for estimates
14 obtained from certain legal entities; and providing
15 an effective date.

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

17 SECTION 1. AMENDATORY 12 O.S. 2011, Section 759, is
18 amended to read as follows:

19 Section 759. A. When a general execution is issued and placed
20 in the custody of a sheriff for levy, a certified copy of the
21 execution shall be filed in the office of the county clerk of the
22 county whose sheriff holds the execution and shall be indexed in the
23 same manner as judgments. At the time the execution is filed, the
24 court clerk shall collect from the party seeking a general execution
all fees necessary for the payment of the disinterested persons or a

1 legal entity for ~~their~~ services in appraising ~~of~~ the subject
2 property pursuant to the requirements of subsection B of this
3 section.

4 B. If a general or special execution is levied upon lands and
5 tenements, the sheriff shall endorse on the face of the writ the
6 legal description and shall have three disinterested persons who
7 have taken an oath to impartially appraise the property levied on or
8 a legal entity which has provided a written affidavit of
9 impartiality, upon actual view; and the disinterested persons or
10 legal entity shall return to the officer ~~their~~ a signed estimate of
11 the real value of the property. If an estimate is obtained from a
12 disinterested legal entity, such estimate shall be developed by the
13 legal entity using at least three independent, credible sources,
14 each of which has estimated the real value of the subject property
15 independently. The disinterested persons or legal entity shall be
16 paid for ~~their~~ such services by the court clerk of the county where
17 the property is located within thirty (30) days of the date that
18 they return their estimate of the real value of the property.

19 C. To extend a judgment lien beyond the initial or any
20 subsequent statutory period, prior to the expiration of such period,
21 a certified copy of one of the following must be filed and indexed
22 in the same manner as judgments in the office of the county clerk in
23 the county in which the statement of judgment was filed and the lien
24 thereof is sought to be retained:

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

6 SECTION 2. This act shall become effective November 1, 2019.

7 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
8 February 19, 2019 - DO PASS AS AMENDED

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