

ENGROSSED SENATE
BILL NO. 24

BY: SMITH of the SENATE

and

STEIDLEY of the HOUSE

AN ACT RELATING TO CIVIL PROCEDURE; AMENDING 12 O.S.
1981, SECTIONS 22, AS LAST AMENDED BY SECTION 18,
CHAPTER 251, O.S.L. 1990, 611, AS AMENDED BY
SECTION 9, CHAPTER 251, O.S.L. 1990, 653, AS
AMENDED BY SECTION 10, CHAPTER 251, O.S.L. 1990,
655, AS AMENDED BY SECTION 11, CHAPTER 251, O.S.L.
1990, 698, AS AMENDED BY SECTION 12, CHAPTER 251,
O.S.L. 1990, 706, AS LAST AMENDED BY SECTION 19,
CHAPTER 251, O.S.L. 1990, 992, AS AMENDED BY
SECTION 13, CHAPTER 251, O.S.L. 1990, 993, AS LAST
AMENDED BY SECTION 14, CHAPTER 251, O.S.L. 1990,
1031.1, AS AMENDED BY SECTION 15, CHAPTER 251,
O.S.L. 1990, 1035, AS AMENDED BY SECTION 16,
CHAPTER 251, O.S.L. 1990, AND 1038, AS AMENDED BY
SECTION 17, CHAPTER 251, O.S.L. 1990 (12 O.S. SUPP.
1990, SECTIONS 22, 611, 653, 655, 698, 706, 992,
993, 1031.1, 1035 AND 1038), WHICH RELATE TO
FINDINGS BY DISTRICT COURTS, TIME OF APPLICATION
FOR NEW TRIAL, PETITIONS FOR NEW TRIAL, JUDGMENTS
NOTWITHSTANDING VERDICT, ERRORS IN PERFECTING
APPEALS, INTERLOCUTORY ORDERS, CORRECTION,
MODIFICATION AND VACATION OF JUDGMENTS AND
LIMITATIONS THEREON, COURT CLERKS, JUDGMENT LIENS

AND CERTAIN FEES; RESTORING PRIOR LAW; REQUIRING COURT CLERKS TO KEEP JUDGMENT DOCKET AND PROVIDING FOR FORM AND CONTENT; LIMITING LIABILITY OF COURT CLERK FOR FAILURE TO MAKE CERTAIN ENTRIES; STATING DUTIES OF COURT RELATING TO ORDERS, JUDGMENTS AND DECREES; AUTHORIZING PREPARATION OF CERTAIN DOCUMENTS BY COUNSEL; DECLARING JURISDICTIONAL PREREQUISITE; DELETING CERTAIN PROCEDURES RELATING TO CERTAIN FINDINGS OF FACT AND CONCLUSIONS OF LAW; MODIFYING TIME FOR APPLICATION FOR NEW TRIAL AND MODIFYING EXCEPTION; MODIFYING TIME TO FILE PETITION FOR NEW TRIAL; REQUIRING CLERK TO ENTER JUDGMENT AND STATING EXCEPTIONS; PROVIDING FOR ENTRY OF SPECIAL VERDICTS AND RESERVED CASES; STATING TIME TO REQUEST JUDGMENT; REQUIRING AFFIDAVIT OF JUDGMENT; LIMITING AFFECT OF JUDGMENT LIEN; PROHIBITING REVERSAL, VACATION OR MODIFICATION OF JUDGMENT, FINAL ORDER OR ORDER IN VACATION WHICH STAYS EXECUTION WITHOUT WRITTEN UNDERTAKING AND STATING EXCEPTIONS; PROVIDING ALTERNATIVES TO WRITTEN UNDERTAKING; STATING REQUISITES OF UNDERTAKINGS; REQUIRING COURT APPROVAL OF CERTAIN UNDERTAKINGS; PROHIBITING STAY IF PETITION IN ERROR NOT TIMELY; PROVIDING FOR EXECUTION AGAINST SURETIES; PROVIDING FOR STAY OF JUDGMENT OR FINAL ORDER ON TERMS PRESCRIBED BY COURT AND PROVIDING FOR AUTOMATIC STAY IN CERTAIN CASES; PROVIDING PROCEDURES FOR APPEAL TO SUPREME COURT; STATING TIME FOR APPEAL; AUTHORIZING SUPREME COURT TO ADOPT CERTAIN RULES; REQUIRING COMPLETION OF RECORD IN CERTAIN TIME AND PROVIDING FOR EXTENSION; MAKING CERTAIN APPELLATE PROCEDURES

NONJURISDICTIONAL; MODIFYING STATUTORY REFERENCES;
AUTHORIZING COURT TO CORRECT, OPEN, MODIFY OR
VACATE A JUDGMENT WITHIN CERTAIN TIME; PROHIBITING
CERTAIN MOTION UNTIL CERTAIN ADJUDICATIONS;
MODIFYING PERIOD OF LIMITATIONS FOR VACATING OR
MODIFYING CERTAIN JUDGMENTS AND ORDERS;
ESTABLISHING FEE FOR ENTERING JUDGMENT ON DOCKET
AND MAKING FEE PART OF COSTS; REPEALING SECTIONS 1,
2, 3, 4, 5, 6, 7 AND 8, CHAPTER 251, O.S.L. 1990
(12 O.S. SUPP. 1990, SECTIONS 1001, 1002, 1003,
1004, 1005, 1006, 1007 AND 1008), WHICH RELATE TO
JUDGMENT FORMS, FILING AND SERVICE OF JUDGMENTS,
APPLICATIONS FOR ATTORNEY'S FEES, COSTS AND
INTEREST, APPEALS FROM CERTAIN JUDGMENTS AND
ORDERS, RULES AND RECORDS ON APPEAL, EXECUTION ON,
ENFORCEMENT OF AND STAY OF CERTAIN JUDGMENTS, AND
DISMISSAL OF APPEALS; MAKING ACT CURATIVE;
DECLARING CERTAIN JUDGMENTS AND ORDERS TO BE VALID;
PROVIDING FOR CODIFICATION; PROVIDING FOR
NONCODIFICATION; PROVIDING AN EFFECTIVE DATE; AND
DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 12 O.S. 1981, Section 22, as last amended by Section 18, Chapter 251, O.S.L. 1990 (12 O.S. Supp. 1990, Section 22), is amended to read as follows:

Section 22. The clerk of the district court shall keep an appearance docket, a trial docket, a journal, a judgment docket, and such other books as may be ordered by the court or required by law.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 25.1 of Title 12, unless there is created a duplication in numbering, reads as follows:

A. The judgment docket shall be kept in the form of an index in which the name of each person against whom judgment is rendered shall appear in alphabetical order, and it shall be the duty of the clerk immediately after the rendition of a judgment and the filing, by a party for whom judgment was rendered, of an affidavit of judgment in a form prescribed by the Court Administrator, to enter on said judgment docket a statement containing the names of the parties, the amount and nature of the judgment and costs, and the date of its rendition, and the date on which said judgment is entered on said judgment docket; and if the judgment be rendered against several persons, the entry shall be repeated under the name of each person against whom the judgment is rendered in alphabetical order.

B. The clerk shall not be guilty of breach of ministerial duties or be liable to any party for failure to enter a judgment on the judgment docket when no affidavit of judgment is filed as provided for in this section.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 32.3 of Title 12, unless there is created a duplication in numbering, reads as follows:

A. It is the duty of the court to write out, sign and record its orders, judgments and decrees within a reasonable time after their rendition. To aid in the performance of this duty, the court may direct counsel, the district attorney or the court clerk to prepare the written memorialization for its signature and, after it is signed, to file it in the case record.

B. A recorded written order, judgment or decree signed by the court is a jurisdictional prerequisite to appellate review.

SECTION 4. AMENDATORY 12 O.S. 1981, Section 611, as amended by Section 9, Chapter 251, O.S.L. 1990 (12 O.S. Supp. 1990, Section 611), is amended to read as follows:

Section 611. A. Upon the trial of questions of fact by the court, it shall not be necessary for the court to state its findings, except generally, for the plaintiff or defendant, unless one of the parties request it, with the view of excepting to the decision of the court upon the questions of law involved in the trial; in which case the court shall state in writing, the conclusions of fact found, separately from the conclusions of law.

~~B. In its discretion, the court may request the attorneys for the parties to submit proposed findings of fact and conclusions of law, but the parties are not required to submit proposed findings of fact and conclusions of law unless the court so requests. The findings of fact and conclusions of law that are adopted by the court shall be signed by the judge and filed with the clerk for inclusion with the papers in the action within thirty (30) days after the filing of the judgment. At the request of the parties, the court may permit findings of fact and conclusions of law to be attached and incorporated into the judgment. The court shall order one of the parties to mail copies of the signed findings of fact and conclusions of law to all other parties promptly after the filing. A party may move to have the findings of fact and conclusions of law amended within fifteen (15) days after they are filed, but the failure to so move will not prevent the party from objecting to them on appeal. The findings of fact and conclusions of law shall be included in the record on appeal on the request of any party. Proposed findings of fact and conclusions of law that are submitted by a party may be filed with the clerk, and on the party's request, included in the record on appeal.~~

SECTION 5. AMENDATORY 12 O.S. 1981, Section 653, as amended by Section 10, Chapter 251, O.S.L. 1990 (12 O.S. Supp. 1990, Section 653), is amended to read as follows:

Section 653. Unless unavoidably prevented, the application for a new trial, if made, must be filed ~~not later than~~ within ten (10) days after ~~the judgment is filed with the court clerk~~ the verdict, report or decision is rendered regardless of whether or not the term has ended, except for the cause of newly discovered evidence, material for the party applying, which he could not, with reasonable diligence, have discovered and produced at the trial, or impossibility of ~~preparing a record for an appeal. A motion for new trial filed before the filing of the judgment but after the announcement of the decision on all issues in the case shall be effective~~ making a case made.

SECTION 6. AMENDATORY 12 O.S. 1981, Section 655, as amended by Section 11, Chapter 251, O.S.L. 1990 (12 O.S. Supp. 1990, Section 655), is amended to read as follows:

Section 655. Where the grounds for a new trial could not with reasonable diligence have been discovered before but are discovered more than ten (10) days after the verdict or decision was rendered or made or report of the referee approved, or where the impossibility of preparing a record for an appeal, without fault of the complaining party, arose more than ten (10) days after the judgment was rendered, the application may be made by petition filed in the original case, as in other cases, within thirty (30) days after such discovery or occurrence; on which a summons shall issue, be returnable and served, or publication made, as in the beginning of civil actions, or such service may be made on the attorney of record in the original case. The facts stated in the petition shall be considered as denied without answer, and the case shall be heard and summarily decided after the expiration of twenty (20) days from such service and not more than sixty (60) days after such service,

and the witnesses shall be examined in open court, or their depositions taken as in other cases; but no such petition shall be filed more than one (1) year after the ~~filing of~~ final judgment was rendered.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 696.1 of Title 12, unless there is created a duplication in numbering, reads as follows:

When a trial by jury has been had, judgment must be entered by the clerk in conformity to the verdict, unless it is special, or the court order the case to be reserved for future argument or consideration.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 697.1 of Title 12, unless there is created a duplication in numbering, reads as follows:

Where the verdict is special, or where there has been a special finding on particular questions of fact, or where the court has ordered the case to be reserved, it shall order what judgment shall be entered.

SECTION 9. AMENDATORY 12 O.S. 1981, Section 698, as amended by Section 12, Chapter 251, O.S.L. 1990 (12 O.S. Supp. 1990, Section 698), is amended to read as follows:

Section 698. When a motion for a directed verdict which was made at the close of all of the evidence should have been granted, the court shall, at the request of the moving party, render judgment in his favor though a verdict has been found against him, but the court may order a new trial where it appears that the other party was prevented from proving a claim or defense by mistake, accident or surprise. The request for judgment ~~notwithstanding the verdict~~ may be filed ~~not later than~~ within ten (10) days after ~~the judgment is filed with the court clerk~~ the verdict, report or decision is rendered regardless of whether or not the term has ended, and the motion may be joined with a motion for a new trial. ~~A motion for~~

~~judgment notwithstanding the verdict filed before the filing of judgment but after the announcement of the decision on all issues in the case shall be effective.~~

SECTION 10. AMENDATORY 12 O.S. 1981, Section 706, as last amended by Section 19, Chapter 251, O.S.L. 1990 (12 O.S. Supp. 1990, Section 706), is amended to read as follows:

Section 706. A. Judgments of courts of record of this state and of the United States shall be liens on the real estate of the judgment debtor within a county after a certified copy of such judgment with an affidavit of judgment in the form provided in Section 2 of this act attached on the front of, and incorporating by reference, such judgment has been filed in the office of the county clerk in that county. No judgment, whether rendered by a court of the state or of the United States, shall be a lien on the real estate of a judgment debtor in any county until it has been filed in this manner. Execution shall be issued only from the court in which the judgment is rendered. Such judgment lien shall only affect the real estate of judgment debtors whose names appear on both the affidavit of judgment and the attached judgment. Presentation of a ~~certified copy of the~~ such affidavit of judgment with a certified copy attached of the judgment described in such affidavit, and tender of the filing fee, shall, upon acceptance by the county clerk, constitute filing under this section.

B. The lien of any judgment when satisfied by payment or otherwise discharged shall be released by the court upon written motion by the judgment debtor. The motion shall be accompanied by an affidavit stating the grounds for the motion. Notice of the motion shall be mailed to the judgment creditor at the last-known address of the judgment creditor and the attorney of record of the judgment creditor by the person seeking the discharge. If there is no response or objection from the judgment creditor within twenty (20) days after the mailing of the notice, the court shall order the

judgment released. If a judgment creditor files a release, the court clerk shall show the judgment released. When a judgment is released, the court clerk shall prepare a certificate of release for the judgment debtor on the form for certificate of release provided by the Administrative Director of the Courts. Instructions shall be printed on the certificate of release advising the judgment debtor to file the certificate of release in the office of the county clerk. The lien of the judgment shall be released once the certificate of release is filed in the office of the county clerk. The party filing the application for release shall pay all recording fees and other costs.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 968.1 of Title 12, unless there is created a duplication in numbering, reads as follows:

No proceeding to reverse, vacate or modify any judgment or final order rendered in the district court, except as provided in Section 12 of this act, and paragraph 4 of this section, and except proceedings to reverse, vacate or modify any judgment or final order rendered in district court against any county, municipality or other political subdivision of this state, shall operate to stay execution, unless the clerk of the court in which such judgment or final order shall have been rendered, shall take a written undertaking, to be executed on the part of the plaintiff in error, to the adverse party, with one or more sufficient sureties, as follows:

1. When the judgment or final order sought to be reversed directs the payment of money, the written undertaking shall be in double the amount of the judgment or order, to the effect that the plaintiff in error will pay the condemnation money and costs, in case the judgment or final order shall be affirmed, in whole or in part. Provided, that where the written undertaking provided for in this subdivision is executed or guaranteed by a corporation

incorporated under the laws of the United States or of any state authorized to do business in this state and having power under the statutes of this state to execute and guarantee bonds and undertakings in judicial proceedings, the amount of such undertaking shall be for the whole amount of the judgment or order including costs and interest on the appeal;

2. When it directs the execution of a conveyance or other instrument, the undertaking shall be in such a sum as may be prescribed by the court, or the judge thereof, to the effect that the plaintiff in error will abide the judgment, if the same shall be affirmed, and pay the costs;

3. When it directs the sale or delivery of possession of real property, the undertaking shall be in such sum as may be prescribed by the court or the judge thereof, to the effect that during the possession of such property by the plaintiff in error, he will not commit or suffer to be committed, any waste thereon, and if the judgment be affirmed, he will pay the value of the use and occupation of the property from the date of the undertaking until the delivery of the possession pursuant to the judgment, and all costs. When the judgment is for the sale of mortgaged premises and the payment of a deficiency arising from the sale, the undertaking must also provide for the payment of such deficiency; or

4. When it directs the assignment or delivery of documents, they may be placed in the custody of the clerk of the court in which the judgment was rendered, to abide the judgment of the appellate court, or the undertaking shall be in such sum as may be prescribed as aforesaid, to abide the judgment and pay costs, if the same shall be affirmed.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 969.1 of Title 12, unless there is created a duplication in numbering, reads as follows:

Instead of the undertaking prescribed in paragraph 2 of Section 11 of this act, the conveyance or other instrument may be executed and deposited with the clerk of the court in which the judgment was rendered, or order made, to abide the judgment of the appellate court.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 970.1 of Title 12, unless there is created a duplication in numbering, reads as follows:

No proceeding to reverse, vacate or modify an order made in vacation shall operate to stay the effect of such order until the party taking such proceeding shall execute to the adverse party an undertaking, with one or more sufficient sureties, to be approved by the clerk, that if the order be affirmed, in whole or in part, he will pay the opposite party all damages that he may sustain by reason of such proceedings, and all costs in the Supreme Court.

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 971.1 of Title 12, unless there is created a duplication in numbering, reads as follows:

Before an undertaking shall operate to stay execution of a judgment or order, the execution of the undertaking and the sufficiency of the sureties must be approved by the court in which the judgment was rendered or order made, or by the judge or clerk thereof; provided that if a timely petition in error is not filed, the execution of the judgment or order shall no longer be stayed, and in the event that the judgment of the court to which such appeal is taken is against the appellant, judgment shall, at the same time it is entered against the appellant, be entered against the sureties on his said undertaking to stay execution, and execution shall issue thereon against said sureties the same as against their principal, the appellant, and no stay of such execution shall be permitted.

SECTION 15. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 974.1 of Title 12, unless there is created a duplication in numbering, reads as follows:

Execution of the judgment or final order of any judicial tribunal, other than those enumerated in this article, may be stayed on such terms as may be prescribed by the court or judge thereof, in which the proceedings in error are pending, except that execution of a judgment or final order of any judicial tribunal against any county, municipality, or other political subdivision of this state is automatically stayed without execution of supersedeas bond until appeal has finally been determined.

SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 990A of Title 12, unless there is created a duplication in numbering, reads as follows:

A. An appeal to the Supreme Court may be commenced from an appealable disposition of a court or tribunal by filing with the Clerk of the Supreme Court a petition in error, within thirty (30) days from the date of the final order or judgment sought to be reviewed.

B. The Supreme Court shall provide by court rules, which will have the force of statute, and be in furtherance of this method of appeal:

1. For the filing of cross-appeals;
2. The procedure to be followed by the trial courts or tribunals in the preparation and authentication of transcripts and records in cases appealed under this act; and
3. The procedure to be followed for the completion and submission of the appeal taken hereunder.

C. In all cases the record on appeal shall be complete and ready for filing in the Supreme Court within the time prescribed by rules of that court but within a period of not more than six (6)

months from the date of the order or judgment complained of unless the Supreme Court, for good cause shown, shall extend the time.

D. Except for the filing of a petition in error as provided herein, all steps in perfecting an appeal are not jurisdictional.

SECTION 17. AMENDATORY 12 O.S. 1981, Section 992, as amended by Section 13, Chapter 251, O.S.L. 1990 (12 O.S. Supp. 1990, Section 992), is amended to read as follows:

Section 992. Where possible, errors in perfecting an appeal must be raised promptly in the trial court, and errors in perfecting an appeal that could have been raised in the trial court may not be raised for the first time in the appellate court. The parties may waive any defect or error in perfecting an appeal except the timely filing of a petition in error as prescribed in Section 4 16 of this act, and of a petition to review a certified interlocutory order under paragraph 3 of subsection ~~B~~ (b) of Section 952 of this title.

SECTION 18. AMENDATORY 12 O.S. 1981, Section 993, as last amended by Section 14, Chapter 251, O.S.L. 1990 (12 O.S. Supp. 1990, Section 993), is amended to read as follows:

Section 993. A. When an order:

1. discharges, vacates, or modifies or refuses to discharge, vacate, or modify an attachment,
2. denies a temporary injunction, grants a temporary injunction except where granted at an ex parte hearing, or discharges, vacates, or modifies or refuses to discharge, vacate, or modify a temporary injunction,
3. discharges, vacates, or modifies or refuses to discharge, vacate, or modify a provisional remedy which affects the substantial rights of a party,
4. appoints a receiver except where the receiver was appointed at an ex parte hearing, refuses to appoint a receiver, or vacates or refuses to vacate the appointment of a receiver,

5. directs the payment of money pendente lite except where granted at an ex parte hearing, refuses to direct the payment of money pendente lite, or vacates or refuses to vacate an order directing the payment of money pendente lite,

6. certifies or refuses to certify an action to be maintained as a class action,
the party aggrieved thereby may appeal the order to the Supreme Court without awaiting the final determination in said cause, by filing the petition in error and the record on appeal with the Supreme Court within thirty (30) days after the order is issued. The Supreme Court may extend the time for filing the record upon good cause shown.

B. If the order discharges or modifies an attachment or temporary injunction and it becomes operative, the undertaking given upon the allowance of an attachment or temporary injunction shall stay the enforcement of said order and remain in full force until final order of discharge shall take effect.

C. If the order grants a temporary injunction, the party seeking to appeal shall, if he desires to stay such order, give within ten (10) days after the order is rendered, an undertaking, with sufficient surety, to be approved by the clerk of the trial court, in an amount fixed by the judge, to secure the party procuring the injunction the damages he may sustain, including reasonable attorney's fees, in case it is finally decided that the temporary injunction was properly granted. The undertaking so made shall stay the effect of the temporary injunction pending appeal.

D. Where a receiver shall be or has been appointed, upon the appellant filing an appeal bond, with sufficient sureties, in such sum as may have been required of the receiver by the court or a judge thereof, conditioned for the due prosecution of the appeal and the payment of all costs or damages that may accrue to the state or any officer or person by reason thereof, the authority of the

receiver shall be suspended until the final determination of the appeal, and if the receiver has taken possession of any property, real or personal, it shall be returned and surrendered to the appellant upon the filing and approval of the bonds.

SECTION 19. AMENDATORY 12 O.S. 1981, Section 1031.1, as amended by Section 15, Chapter 251, O.S.L. 1990 (12 O.S. Supp. 1990, Section 1031.1), is amended to read as follows:

Section 1031.1 ~~The~~ Within thirty (30) days after the rendition of a judgment, the court, of its own initiative or on motion of a party, may correct, open, modify or vacate a judgment ~~on its own initiative not later than thirty (30) days after the judgment was filed with the court clerk or on motion of a party filed not later than thirty (30) days after the filing of the judgment.~~ The court may prescribe what notice, if any, shall be given.

SECTION 20. AMENDATORY 12 O.S. 1981, Section 1035, as amended by Section 16, Chapter 251, O.S.L. 1990 (12 O.S. Supp. 1990, Section 1035), is amended to read as follows:

Section 1035. ~~If~~ A judgment shall not be vacated on motion or petition, until it is adjudged that there is a valid defense to the action on which the judgment is rendered; or, if the plaintiff seeks its vacation, that there is a valid cause of action; and where a judgment is modified, all liens and securities obtained under it shall be preserved to the modified judgment.

SECTION 21. AMENDATORY 12 O.S. 1981, Section 1038, as amended by Section 17, Chapter 251, O.S.L. 1990 (12 O.S. Supp. 1990, Section 1038), is amended to read as follows:

Section 1038. Proceedings to vacate or modify a judgment or order, for the causes mentioned in paragraphs 4, 5 and 7 of Section 1031 of this title must be commenced within two (2) years after the ~~filing of the judgment~~ was rendered or order made, unless the party entitled thereto be an infant, or a person of unsound mind and then within two (2) years after removal of such disability. Proceedings

for the causes mentioned in paragraphs 3 and 6 of Section 1031 of this title, shall be within three (3) years, and in paragraph 9 of Section 1031 of this title, within one (1) year after the defendant has notice of the judgment. A void judgment may be vacated at any time, on motion of a party, or any person affected thereby.

SECTION 22. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1771.1 of Title 12, unless there is created a duplication in numbering, reads as follows:

The court clerk shall, upon payment by the prevailing party of a fee of Five Dollars (\$5.00), cause the judgment to be entered upon the judgment docket. Fees collected pursuant to the provisions of this section shall become part of the cost of the action.

SECTION 23. REPEALER Sections 1, 2, 3, 4, 5, 6, 7 and 8, Chapter 251, O.S.L. 1990 (12 O.S. Supp. 1990, Sections 1001, 1002, 1003, 1004, 1005, 1006, 1007 and 1008), are hereby repealed.

SECTION 24. Any judgment or order of a district court rendered on or after January 1, 1991 and before the effective date of this act, which substantially complies with either this act or with the law which was effective prior to the effective date of this act, shall have the same force and effect as any other properly rendered judgment or order.

SECTION 25. Section 24 of this act shall not be codified in the Oklahoma Statutes.

SECTION 26. This act shall become effective June 1, 1991.

SECTION 27. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 4th day of March, 1991.

President of the Senate

Passed the House of Representatives the ____ day of
_____, 1991.

Speaker of the House of
Representatives