

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1651

BY: STEIDLEY

AS INTRODUCED

AN ACT RELATING TO CIVIL PROCEDURE; AMENDING SECTION
1, CHAPTER 251, O.S.L. 1990 (12 O.S.SUPP. 1990,
SECTION 1001), WHICH RELATES TO JUDGMENT FORMS;
MODIFYING FORM; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. AMENDATORY Section 1, Chapter 251, O.S.L.
1990 (12 O.S. Supp. 1990, Section 1001), is amended to read as
follows:

Section 1001. A. Every judgment shall be set forth on a
separate document. Findings of fact and conclusions of law may be
requested and shall be set forth in a separate document or attached
to the judgment in accordance with Section 611 of Title 12 of the
Oklahoma Statutes. As used in this act, a judgment shall include a
decree or a final order. A judgment may provide for costs,
attorney's fees, and interest, but it need not include these items,
and the preparation and filing of the judgment shall not be delayed
for their determination, whether or not the attorney's fees or
interest are awarded as a part of the underlying claim or as a part
of costs in the action. Even though a petition in error may have
been filed, the trial court shall have authority to award costs,

attorney's fees, or interest. If issues of attorney's fees and interest must be determined by a jury, they shall be submitted with the other issues in the case.

B. Except as hereinafter provided, judgments shall be rendered and effective only when signed by the judge and filed with the court clerk unless such judgments, orders, or decrees are pronounced in the presence of the attorneys for the parties, and if so, the same shall be immediately binding and effective. Judgments involving divorce, separate maintenance, annulment, paternity, adoption, termination of parental rights, and post decree matrimonial matters shall be rendered and effective when pronounced by the court if the minute is entered by the court clerk. The time for appeal shall be governed by Section 4 1004 of this ~~act~~ title and shall not begin to run until the judgment has been signed by the judge and filed with the court clerk, regardless of whether the judgment is effective when pronounced or when it is filed. The date of filing shall be presumed to be the date of the court clerk's file stamp, if any appears on the judgment. The enforcement of a judgment may be subject to a stay as provided in Section 7 1007 of this ~~act~~ title.

C. The trial court shall promptly prepare and sign the judgment and deliver it to the court clerk for filing after a general verdict of a jury, or if the court's decision is that a party shall recover only a sum certain or costs or that all relief shall be denied, unless the court determines that the judgment should not be signed and filed at that time. The forms in subsection E of this section shall be used in preparing the judgment.

D. If the judgment is not prepared by the trial court, the court shall promptly direct one of the parties or counsel to prepare a proposed judgment using one of the forms in subsection E of this section.

1. Within ten (10) days after being directed to prepare the proposed judgment, the party or counsel shall serve it in the manner

provided in Section 2005 of Title 12 of the Oklahoma Statutes on all parties, other than those who are in default or have filed a disclaimer of any interest in the action. The proposed judgment shall be accompanied by a notice that it will be submitted to the court for signing and filing, if no written objections are filed with the court clerk within ten (10) days after the date of mailing of the notice. A copy of the notice shall be filed with the court clerk along with proof of service of the notice and the proposed judgment on all parties as required by Section 2005 of Title 12 of the Oklahoma Statutes. For good cause shown, the trial court may extend or shorten the time for the preparation of the proposed judgment or the filing of written objections.

2. If the party or counsel who has been directed to prepare the proposed judgment fails to serve it on the other parties within ten (10) days, or other time prescribed by the trial court, any other party may prepare the proposed judgment. The party who prepares the proposed judgment shall serve it in the manner provided in Section 2005 of Title 12 of the Oklahoma Statutes on all parties, other than those who are in default or have filed a disclaimer of any interest in the action. Within ten (10) days after filing proof of service of the proposed judgment on all parties with the court clerk, the party who prepared the proposed judgment shall submit it to the court.

3. An objection shall specify the objectionable part of the proposed judgment, why it is objectionable, and what the objecting party proposes to substitute therefor. Any party who files objections to the proposed judgment shall serve them in the manner provided in Section 2005 of Title 12 of the Oklahoma Statutes on all parties, other than those who are in default or have filed a disclaimer of any interest in the action, and file proof of service with the court clerk.

4. If no written objections are filed within the prescribed time, the party who prepared the proposed judgment shall submit it to the court. If the judgment that has been submitted comports with its decision and no objections have been filed, the court shall sign the judgment and promptly deliver it to the clerk for filing. Otherwise, the court shall set a time for settlement of the judgment and direct the clerk to notify the parties to appear at that time for settlement of the matter. After the judgment is settled, the judge shall sign it and promptly deliver it to the clerk for filing.

5. If all parties, other than those who are in default or have filed a disclaimer of any interest in the action, approve in writing a proposed judgment which comports with the decision of the court, the trial court shall promptly sign the judgment and deliver it to the clerk for filing.

E. Whether a judgment is prepared by the court or by a party, it shall specify all of the parties for and against whom it has been rendered, and the amount and nature of the relief, if any, that has been awarded. The court shall indicate on the judgment whether it has been signed in the presence of all the parties, or their attorneys, or has been approved by all parties. If it has not, the court shall direct the court clerk to send a file stamped copy of the judgment to all parties as provided in Section ~~2~~ 1002 of this ~~act~~ title. A letter from the court directing preparation of an order shall not constitute the judgment. A judgment shall substantially conform to one of the following forms:

IN THE DISTRICT COURT OF _____ COUNTY

STATE OF OKLAHOMA

A.B., Plaintiff)

v.)

No. _____

C. D., Defendant)

Judgment (Jury Verdict)

This action came on for trial before the Court and a jury, Honorable _____, Judge of the District Court, presiding, and the issues having been tried and the jury having rendered its verdict,

Judgment is rendered in the above-styled and numbered cause as follows:

AGAINST	IN FAVOR OF	AMOUNT	NATURE (specify separately judgment, attorneys fees, costs, etc.)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

with interest thereon at the rate of _____ percent as provided by law from _____, 19__.

(Check one of the following:)

_____ This judgment was signed in open court in the presence of the parties (other than those who are in default or have filed a disclaimer of any interest in the action), or their attorneys, and the court clerk shall not be required to mail a file stamped copy of the judgment to the parties.

_____ This judgment has been approved by all parties, and the party submitting it to the court shall mail a file stamped copy of the judgment to all parties.

_____ This judgment was taken under advisement and was not signed in the presence of the parties, or their attorneys, and the court clerk shall mail a file stamped copy of the judgment to all parties, or their attorneys.

Date: _____
_____ Judge of the District Court

IN THE DISTRICT COURT OF _____ COUNTY

STATE OF OKLAHOMA

A. B., Plaintiff)

v.)

No. _____

C. D., Defendant)

Judgment (Decision by the Court)

This action came on for (trial) (hearing) before the Court, Honorable _____, Judge of the District Court, presiding, and the issues having been (tried) (heard),

Judgment is rendered in the above-styled and numbered cause as follows:

AGAINST	IN FAVOR OF	AMOUNT	NATURE (specify separately judgment, attorneys fees, costs, etc.)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

with interest thereon at the rate of ____ percent as provided by law from _____, 19__.

Relief other than, or in addition to, money damages is shown on an attached page and incorporated in this judgment.

(Check one of the following:)

_____ This judgment was signed in open court in the presence of the parties (other than those who are in default or have filed a disclaimer of any interest in the action, or who have approved in writing the decree of foreclosure attached), or their attorneys, and the court clerk shall not be required to mail a file stamped copy of the judgment to the parties. The party submitting the judgment shall mail a file stamped copy of the judgment to all parties who approved the attached decree of foreclosure.

_____ This judgment has been approved by all parties, and the party submitting it to the court shall mail a file stamped copy of the judgment to all parties.

_____ This judgment was taken under advisement and was not signed in the presence of the parties, or their attorneys, and the court clerk shall mail a file stamped copy of the judgment to all parties, or their attorneys.

Date: _____

Judge of the District Court

SECTION 2. This act shall become effective September 1, 1991.

43-1-5813 SD