

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 2274

By: Beutler

AS INTRODUCED

An Act relating to sham legal process; amending 12 O.S. 1991, Section 1141, as amended by Section 5, Chapter 405, O.S.L. 1997 (12 O.S. Supp. 1997, Section 1141), which relates to quiet title actions; correcting statutory cite; and declaring an emergency.

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

SECTION 1. AMENDATORY 12 O.S. 1991, Section 1141, as amended by Section 5, Chapter 405, O.S.L. 1997 (12 O.S. Supp. 1997, Section 1141), is amended to read as follows:

Section 1141. A. An action may be brought by any person in possession, by himself or tenant, of real property against any person who claims an estate or any interest therein adverse to the person bringing the action for the purpose of determining such adverse estate or interest, and such action may be joined with an action to recover possession of such real property by any person not in possession. The person or persons bringing such action shall not be required to allege the particular estate or interest claimed adversely by the person or persons against whom the action is

brought, but may allege that the defendants' claim is adverse to that of the plaintiffs.

B. If a written request for the correction of a title defect has been refused without reasonable cause and an action is brought pursuant to the provisions of this section, the court may award reasonable attorneys fees to the prevailing party.

C. If an action is brought to quiet title alleging that the adverse claim is sham legal process, as defined by Section ~~1553~~ 1533 of Title 21 of the Oklahoma Statutes, the court may award costs and reasonable attorneys fees to the prevailing party. If the plaintiff prevails in the action, the court shall order the defendant to pay the plaintiff three times the damages that the plaintiff may have sustained as a result of the sham legal process. A quiet title action pursuant to this subsection shall be independent of any criminal action that may be filed against the defendant, and there shall be no requirement that the defendant in such an action be convicted of any criminal act.

SECTION 2. 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.

46-2-8434

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