

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 2381

By: Sullivan (John)

AS INTRODUCED

An Act relating to civil procedure; amending 12 O.S. 1991, Section 842, which relates to hearings regarding assets of judgment debtors; prescribing procedures for entry of certain order upon failure of judgment debtor to appear; providing for modification of judgment; prescribing procedures; providing for applicability of procedures; and providing an effective date.

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

SECTION 1. AMENDATORY 12 O.S. 1991, Section 842, is amended to read as follows:

Section 842. A. At any time after judgment, on application of the judgment creditor, a judge of the court in which the judgment was rendered, shall order the judgment debtor to appear before the judge, or a referee appointed by the judge, at a time and place specified in such order, to answer concerning his property.

B. If the judgment debtor fails to appear pursuant to the order without obtaining an order of the court excusing such appearance, or if the judgment debtor appears as required in an order, but fails to produce documents or other information as required by the order to

appear, the court, upon motion of the judgment creditor with notice to the judgment debtor, shall enter an order to double the principal amount of the judgment entered in the cause. From the date of the order doubling the amount of the judgment, interest shall accrue in the manner provided by law for other judgments in civil cases. The provisions of this act shall be applicable to all proceedings conducted on or after the effective date of this act without regard to the date as of which judgment is originally rendered.

C. The judge may by his order enjoin the judgment debtor from alienating, concealing or encumbering any of his nonexempt property pending the hearing and further order of the court.

D. Upon the debtor's disclosure of any property, such proceedings as provided by law may be had for the application of such property toward the satisfaction of said judgment.

SECTION 2. This act shall become effective November 1, 1998.

46-2-8719

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