

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 382

By: Smith

AS INTRODUCED

An Act relating to civil procedure; amending 12 O.S. 1991, Section 842, as amended by Section 8, Chapter 293, O.S.L. 1999 (12 O.S. Supp. 2000, Section 842), which relates to debtor's assets; expanding scope of certain interrogation; adding persons subject to certain interrogation; increasing attorney's fee under certain circumstances; 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, as amended by Section 8, Chapter 293, O.S.L. 1999 (12 O.S. Supp. 2000, Section 842), is amended to read as follows:

Section 842. A. At any time after a final judgment, order, or decree is filed, on application of the judgment creditor, a judge of the court in which the final judgment, order, or decree 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 the order, to answer concerning the judgment debtor's property. The judge may, by order, enjoin the judgment debtor from alienating, concealing, or encumbering any of the judgment debtor's nonexempt property pending the hearing and further order of the court. Upon the judgment debtor's disclosure of any nonexempt property, proceedings as provided by law may be had for the application of the property to the satisfaction of the judgment.

B. At any time after a final judgment, order, or decree is filed, an attorney for a judgment creditor may:

1. ~~subpoena~~ Subpoena the judgment debtor, pursuant to Section ~~2004~~ 2004.1 of this title, to appear at any place in the county in

which the judgment, order, or decree was rendered, or the judgment debtor's county of residence, to answer concerning the judgment debtor's property, income, or liabilities, or to produce documents concerning the debtor's property, income, or liabilities. The judgment debtor shall not be entitled to an attendance fee or mileage;

2. Subpoena any person, pursuant to Section 2004.1 of this title, to appear at any place in the county where the person is located, or where service may otherwise be had on the person, to answer concerning the judgment debtor's property, income, or liabilities, or to produce documents concerning the judgment debtor's property, income, or liabilities; or

3. Serve interrogatories, requests for admissions, or request for production of documents, pursuant to Section 3224 et. seq. of this title, upon the judgment debtor, concerning the judgment debtor's property, income, or liabilities.

C. In addition to sums otherwise due under a final judgment, order, or decree if an order, ~~or subpoena,~~ or discovery request is served upon the judgment debtor or any person under this section, the judgment creditor shall be entitled to costs of service and, if represented by an attorney, to an attorney's fee of ~~Seventy-five Dollars (\$75.00)~~ One Hundred Dollars (\$100.00); provided, attorney's fees awarded pursuant to this subsection relating to a judgment, order, or decree shall not exceed ~~One Hundred Fifty Dollars (\$150.00)~~ Two Hundred Dollars (\$200.00) in any ~~twelve-month period~~ calendar year.

SECTION 2. This act shall become effective November 1, 2001.