

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1324

By: Tibbs

COMMITTEE SUBSTITUTE

An Act relating to fences; prohibiting certain property owners from damaging or removing certain fences or authorizing certain improvements until notice has been given to certain adjacent property owners; providing for determination of ownership; authorizing certain damages or improvements if no action filed; providing for precedence; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 150.1 of Title 4, unless there is created a duplication in numbering, reads as follows:

A. If a survey determines that the property line of the property owner requesting the survey is located across a boundary or division line fence, the property owner shall not damage or remove the fence or authorize the establishment, locating or relocating of any improvements, including utility installation on such property, until the adjacent property owner has been given written notice by certified mail, return receipt requested, of the results of the survey at least thirty (30) days prior to any damage to or removal of the fence or to making any improvements on the property.

B. 1. In order to determine ownership of the property on which the fence is located, upon receipt of the notice required by subsection A of this section, the adjacent property owner may cause an action to be filed in the district court where the property is located or attempt to obtain a mutually agreeable or brokered

1 property owner's agreement which must be signed, notarized and  
2 legally filed in the appropriate county clerk's office.

3 2. Ownership of the property based upon adverse possession  
4 pursuant to paragraph (4) of Section 93 of Title 12 of the Oklahoma  
5 Statutes shall take precedent over any and all other claims of  
6 ownership of the property.

7 C. After thirty (30) days from the receipt of the notice sent  
8 pursuant to subsection A of this section, and if no action has been  
9 filed pursuant to subsection B of this section, the boundary or  
10 division line fence may be damaged or removed and the improvement  
11 may be authorized by the property owner.

12 SECTION 2. This act shall become effective November 1, 2003.

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