

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

HOUSE BILL HB1269

By: Trebilcock

AS INTRODUCED

An Act relating to civil procedure; amending 12 O.S. 2001, Section 1148.14, which relates to forcible entry and detainer action; providing that certain actions pertaining to certain dwellings be directed to small claims docket; and providing an effective date.

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

SECTION 1. AMENDATORY 12 O.S. 2001, Section 1148.14, is amended to read as follows:

Section 1148.14 An action for forcible entry and detainer brought pursuant to procedures prescribed otherwise in this title standing alone or when joined with a claim for recovery of rent, damages to the premises, or a claim arising under the Oklahoma Residential Landlord and Tenant Act, where the total recovery sought, exclusive of ~~attorney's~~ attorney fees and other court costs, does not exceed the jurisdictional amount for the small claims court, or for claims for the recovery of rent or damages to the premises as they pertain to mobile home parks or manufactured home developments whereby a landlord and tenant relationship exists in relation to the lot where a mobile home, manufactured home, or trailer that is used as a dwelling, as defined by the Oklahoma Residential Landlord and Tenant Act, rests, shall be placed on the small claims docket of the district court. The district courts may provide by court rule that any action for forcible entry and detainer may be assigned to the small claims division for determination of the right to possession, regardless of the

underlying amount in controversy, at the conclusion of which, the matter shall be returned to the assigned judge for further proceedings. The court clerk shall in connection with such actions prepare the affidavit, by which the action is commenced, and the summons, and generally assist unrepresented plaintiffs to the same extent that he a person is now required so to do under the Small Claims Procedure Act, Section 1751 et seq. of this title.

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

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