

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 1284

By: Sherrer, Martin (Steve) and
Sears of the House

7 and

Burrage of the Senate

8
9
10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to fences; prohibiting property
12 owners under certain circumstances from damaging or
13 removing fences or authorizing certain improvements
14 until notice has been given to adjacent property
15 owners; providing for method of notice; authorizing
16 certain remedy; providing for costs and attorney
17 fees; providing for codification; and providing an
18 effective date.

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

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

23 A. If a survey obtained by a property owner reflects a property
24 line across an existing boundary or division line fence, said
property owner shall not damage or remove the existing fence or
authorize the establishment, locating or relocating of any

1 improvements, including utility installation on such property, until
2 the adjacent property owner has been given notice. The notice shall
3 include a copy of the survey, the nature of the relief requested,
4 and notice that the court may award attorney fees and costs to the
5 prevailing party if an action to establish title is filed by the
6 requestor against the recipient. The notice shall be served in the
7 same manner as provided for service of process in Section 2004 of
8 Title 12 of the Oklahoma Statutes.

9 B. If no agreement has been reached by the adjoining property
10 owners within thirty (30) days from receipt of the notice sent
11 pursuant to subsection A of this section, the property owner may
12 cause an action to be filed against the adjacent property owner in
13 the district court in the county where the property is located to
14 establish title to the parcel of property at issue. The district
15 court shall enter such temporary relief as may be necessary to
16 maintain the status quo during the pendency of the action.

17 C. The prevailing party shall be entitled to an award of
18 attorney fees and costs.

19 SECTION 2. This act shall become effective November 1, 2007.

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21 51-1-8096 MMP 05/14/07

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