

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1284

6 By: Sherrer

7 COMMITTEE SUBSTITUTE

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

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

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

20 A. If a survey obtained by a property owner reflects a property  
21 line across an existing boundary or division line fence, said  
22 property owner shall not damage or remove the existing fence or  
23 authorize the establishment, locating or relocating of any  
24 improvements, including utility installation on such property, until  
the adjacent property owner has been given notice. Said notice

1 shall include a copy of the survey and shall be served in the same  
2 manner as provided for service of process in Section 2004 of Title  
3 12 of the Oklahoma Statutes.

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

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

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

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16 51-1-7200 SAB 02/15/07

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