

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL 565

6 By: Gumm

7 COMMITTEE SUBSTITUTE

8 [ land acquisition - commissioner's report - jury  
9 trial - effective date ]

10  
11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. AMENDATORY 66 O.S. 2001, Section 55, is  
13 amended to read as follows:

14 Section 55. ~~(A)~~ A. The report of the commissioners may be  
15 reviewed by the district court, on written exceptions filed by  
16 either party, in the clerk's office within thirty (30) days after  
17 the filing of such report; and the court shall make such order  
18 therein as right and justice may require, either by confirmation,  
19 rejection or by ordering a new appraisalment on good cause shown; or  
20 either party may within sixty (60) days after the filing of such  
21 report file with the clerk a written demand for a trial by jury, in  
22 which case the amount of damages shall be assessed by a jury, and  
23 the trial shall be conducted and judgment entered in the same manner  
24 as civil actions in the district court, except for land acquisitions

1 initiated by the Department of Transportation whereby the condemnee  
2 only may within sixty (60) days after the filing of such report file  
3 with the clerk a written demand for a trial by jury. If the party  
4 demanding such trial does not recover a verdict more favorable ~~to~~  
5 ~~him~~ than the assessment of the commissioners, all costs in the  
6 district court may be taxed against him.

7 ~~(B)~~ B. Within ten (10) days after the report of commissioners  
8 is filed, the court clerk shall forward to the attorney of record  
9 for the condemnor, the attorney of record for each condemnee, and to  
10 all unrepresented condemnees, a copy of the commissioners' report  
11 and a notice stating the time limits for filing an exception or  
12 demand for jury trial as specified in ~~paragraph (A)~~ subsection A of  
13 this section. This notice shall be on a form prepared by the Court  
14 Administrator, which shall be approved by the Supreme Court, and  
15 shall be distributed to all clerks of the district court by ~~said~~ the  
16 Court Administrator. If a party has been served by publication, the  
17 clerk shall forward a copy of the report of commissioners and notice  
18 of time limits for filing an exception or demand for jury trial to  
19 the last-known mailing address, if any, and shall cause a copy of  
20 the notice of time limits to be published in one ~~(1)~~ issue of a  
21 newspaper qualified to publish legal notices, as defined in Section  
22 106 of Title 25. After issuing the notices provided herein, the  
23 court clerk shall endorse on the notice form filed in the case, the  
24 date and that a copy of the report together with the notice was

1 mailed to each party or ~~his~~ the attorney of record, or the date the  
2 notice was published in compliance with the provisions hereof.

3 ~~(C)~~ C. The time limits for filing an exception and demand for  
4 jury trial, as prescribed in ~~paragraph (A)~~ subsection A of this  
5 section, shall be calculated from the date the report of the  
6 commissioners is filed in the case. On failure of the court clerk  
7 to give notice within the time prescribed in ~~paragraph (B)~~  
8 subsection B of this section, the court, on application of any  
9 party, may extend the time for filing an exception to the report or  
10 a demand for trial by jury for a period not to exceed twenty (20)  
11 days from the date the application is heard.

12 ~~(D)~~ D. Where the party instituting a condemnation proceeding  
13 abandons such proceeding, or where the final judgment is that the  
14 real property cannot be acquired by condemnation or if the award of  
15 the jury exceeds the award of the court-appointed commissioners by  
16 at least ten percent (10%), then the owner of any right, title or  
17 interest in the property involved may be paid such sum as in the  
18 opinion of the court will reimburse such owner for ~~his~~ reasonable  
19 attorney, appraisal, engineering, and expert witness fees actually  
20 incurred because of the condemnation proceeding. The sum awarded  
21 shall be paid by the party instituting the condemnation proceeding.

22 SECTION 2. This act shall become effective November 1, 2009.

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24 52-1-1629 MD 3/4/2009 2:08:58 PM