

1 STATE OF OKLAHOMA

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

3 SENATE BILL 565

By: Gumm

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5
6 AS INTRODUCED

7 An Act relating to acquisition of land; amending 66
8 O.S. 2001, Section 55, which relates to review of
9 commissioner's report; modifying method of demanding
10 a jury trial; prohibiting certain interest rate
11 charge against a party; and providing an effective
12 date.

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 appraisal on good cause shown; or
20 ~~either party~~ the condemnee may within sixty (60) days after the
21 filing of such report file with the clerk a written demand for a
22 trial by jury, in which case the amount of damages shall be assessed
23 by a jury, and the trial shall be conducted and judgment entered in
24 the same manner as civil actions in the district court. If the

1 party demanding such trial does not recover a verdict more favorable
2 ~~to him~~ than the assessment of the commissioners, all costs in the
3 district court may be taxed against ~~him~~ that party, except that
4 under no circumstances may an amount of interest on the monetary
5 difference that may be owed upon a review of a report as authorized
6 by this subsection be charged to a party.

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
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 52-1-115 MD 3/6/2009 5:21:03 AM