



1 operator shall petition the district court in the county in which  
2 the drilling site is located for appointment of appraisers to make  
3 recommendations to the parties and to the court concerning the  
4 amount of damages, if any. Once the operator has petitioned for  
5 appointment of appraisers, the operator may enter the site to drill.

6 B. Ten (10) days' notice of the petition to appoint appraisers  
7 shall be given to the opposite party, either by personal service or  
8 by leaving a copy thereof at the party's usual place of residence  
9 with some family member over fifteen (15) years of age, or, in the  
10 case of nonresidents, unknown heirs or other persons whose  
11 whereabouts cannot be ascertained, by publication in one issue of a  
12 newspaper qualified to publish legal notices in said county, as  
13 provided in Section 106 of Title 25 of the Oklahoma Statutes, said  
14 ten-day period to begin with the first publication.

15 C. The operator shall select one appraiser, the surface owner  
16 shall select one appraiser, and the two selected appraisers shall  
17 select a third appraiser for appointment by the court, which such  
18 third appraiser shall be a state-certified general real estate  
19 appraiser and be in good standing with the Oklahoma Real Estate  
20 Appraisal Board. Unless for good cause shown, additional time is  
21 allowed by the district court, the three (3) appraisers shall be  
22 selected within twenty (20) days of service of the notice of the  
23 petition to appoint appraisers or within twenty (20) days of the  
24 first date of publication of the notice as specified in subsection B

1 of this section. If either of the parties fails to appoint an  
2 appraiser or if the two appraisers cannot agree on the selection of  
3 the third appraiser within the required time period, the remaining  
4 required appraisers shall be selected by the district court upon  
5 application of either party of which at least one shall be a state-  
6 certified general real estate appraiser and be in good standing with  
7 the Oklahoma Real Estate Appraisal Board. Before entering upon  
8 their duties, such appraisers shall take and subscribe an oath,  
9 before a notary public or some other person authorized to administer  
10 oaths, that they will perform their duties faithfully and  
11 impartially to the best of their ability. They shall inspect the  
12 real property and consider the surface damages which the owner has  
13 sustained or will sustain by reason of entry upon the subject land  
14 and by reason of drilling or maintenance of oil or gas production on  
15 the subject tract of land. The appraisers shall then file a written  
16 report within thirty (30) days of the date of their appointment with  
17 the clerk of the court. The report shall set forth the quantity,  
18 boundaries and value of the property entered on or to be utilized in  
19 said oil or gas drilling, and the amount of surface damages done or  
20 to be done to the property. The appraisers shall make a valuation  
21 and determine the amount of compensation to be paid by the operator  
22 to the surface owner and the manner in which the amount shall be  
23 paid. Said appraisers shall then make a report of their proceedings  
24 to the court. The compensation of the appraisers shall be fixed and

1 determined by the court. The operator and the surface owner shall  
2 share equally in the payment of the appraisers' fees and court  
3 costs.

4 D. Within ten (10) days after the report of the appraisers is  
5 filed, the clerk of the court shall forward to each attorney of  
6 record, each party, and interested party of record, a copy of the  
7 report of the appraisers and a notice stating the time limits for  
8 filing an exception or a demand for jury trial as provided for in  
9 this section. The operator shall provide the clerk of the court  
10 with the names and last-known addresses of the parties to whom the  
11 notice and report shall be mailed, sufficient copies of the notice  
12 and report to be mailed, and pre-addressed, postage-paid envelopes.

13 1. This notice shall be on a form prepared by the  
14 Administrative Director of the Courts, approved by the Oklahoma  
15 Supreme Court, and supplied to all district court clerks.

16 2. If a party has been served by publication, the clerk shall  
17 forward a copy of the report of the appraisers and the notice of  
18 time limits for filing either an exception or a demand for jury  
19 trial to the last-known mailing address of each party, if any, and  
20 shall cause a copy of the notice of time limits to be published in  
21 one issue of a newspaper qualified to publish legal notices as  
22 provided in Section 106 of Title 25 of the Oklahoma Statutes.

23 3. After issuing the notice provided herein, the clerk shall  
24 endorse on the notice form filed in the case the date that a copy of

1 the report and the notice form was forwarded to each attorney of  
2 record, each party, and each interested party of record, or the date  
3 the notice was published.

4 E. The time for filing an exception to the report or a demand  
5 for jury trial shall be calculated as commencing from the date the  
6 report of the appraisers is filed with the court. Upon failure of  
7 the clerk to give notice within the time prescribed, the court, upon  
8 application by any interested party, may extend the time for filing  
9 an exception to the report or filing a demand for trial by jury for  
10 a reasonable period of time not less than twenty (20) days from the  
11 date the application is heard by the court. Appraisers' fees and  
12 court costs may be the subject of an exception, may be included in  
13 an action by the petitioner, and may be set and allowed by the  
14 court.

15 F. The report of the appraisers may be reviewed by the court,  
16 upon written exceptions filed with the court by either party within  
17 thirty (30) days after the filing of the report. After the hearing  
18 the court shall enter the appropriate order either by confirmation,  
19 rejection, modification, or order of a new appraisal for good cause  
20 shown. Provided, that in the event a new appraisal is ordered, the  
21 operator shall have continuing right of entry subject to the  
22 continuance of the bond required herein. Either party may, within  
23 sixty (60) days after the filing of such report, file with the clerk  
24 a written demand for a trial by jury, in which case the amount of

1 damages shall be assessed by a jury. ~~The trial shall be conducted~~  
2 ~~and judgment entered in the same manner as railroad condemnation~~  
3 ~~actions tried in the court.~~ A copy of the final judgment shall be  
4 forwarded to the county assessor in the county or counties in which  
5 the property is located. If the party demanding the jury trial does  
6 not recover a more favorable verdict than the assessment award of  
7 the appraisers, all court costs including reasonable attorney fees  
8 shall be assessed against the party.

9 SECTION 2. This act shall become effective July 1, 2011.

10 SECTION 3. It being immediately necessary for the preservation  
11 of the public peace, health and safety, an emergency is hereby  
12 declared to exist, by reason whereof this act shall take effect and  
13 be in full force from and after its passage and approval.

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15 COMMITTEE REPORT BY: COMMITTEE ON ENERGY & UTILITY REGULATION, dated  
16 04-12-2011 - DO PASS, As Amended.

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