

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SENATE BILL 1524

By: Johnson (Rob)

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6 AS INTRODUCED

7 An Act relating to judgments; amending 12 O.S. 2011,  
8 Section 1031.1, which relates to authorization to  
9 correct, open, modify or vacate judgments; requiring  
10 certain approval; clarifying party eligible for award  
11 of certain costs and fees; and providing an effective  
12 date.

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

14 SECTION 1. AMENDATORY 12 O.S. 2011, Section 1031.1, is  
15 amended to read as follows:

16 Section 1031.1. A. A court may correct, open, modify or vacate  
17 a judgment, decree, or appealable order on its own initiative not  
18 later than thirty (30) days after the judgment, decree, or  
19 appealable order prepared in conformance with Section 696.3 of this  
20 title has been filed with the court clerk. Notice of the court's  
21 action shall be given as directed by the court to all affected  
22 parties.

23 B. On motion of a party made not later than thirty (30) days  
24 after a judgment, decree, or appealable order prepared in  
conformance with Section 696.3 of this title has been filed with the

1 court clerk, the court may correct, open, modify, or vacate the  
2 judgment, decree, or appealable order. If the moving party did not  
3 prepare the judgment, decree, or appealable order, and Section 696.2  
4 of this title required a copy of the judgment, decree, or appealable  
5 order to be mailed to the moving party, and the court records do not  
6 reflect the mailing of a copy of the judgment, decree, or appealable  
7 order to the moving party within three (3) days, exclusive of  
8 weekends and holidays, after the filing of the judgment, decree, or  
9 appealable order, the motion to correct, open, modify, or vacate the  
10 judgment, decree, or appealable order may be filed no later than  
11 thirty (30) days after the earliest date on which the court records  
12 show that a copy of the judgment, decree, or appealable order was  
13 mailed to the moving party. The moving party shall give notice to  
14 all affected parties. A motion to correct, open, modify, or vacate  
15 a judgment or decree filed after the announcement of the decision on  
16 all issues in the case but before the filing of the judgment or  
17 decree shall be deemed filed immediately after the filing of the  
18 judgment or decree.

19 C. After thirty (30) days after a judgment, decree, or  
20 appealable order has been filed, proceedings to vacate or modify the  
21 judgment, decree, or appealable order shall be by petition in  
22 conformance with Section 1033 of this title unless approved by all  
23 parties who have entered an appearance in the lawsuit.

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1        D. The party that prevails in an action to vacate any judgment,  
2 decree or appealable order shall only be considered the prevailing  
3 party for the purpose of the award of costs, to include a reasonable  
4 attorney fee, if such party prevails on the merits in the underlying  
5 action.

6        SECTION 2. This act shall become effective November 1, 2012.

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