

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 1077 By: Crain of the Senate
3 and
4 Grau of the House
5
6

7 An Act relating to attorneys' lien; amending 5 O.S.
8 2011, Section 6, which relates to attorneys' lien
9 procedures; making language gender neutral; requiring
10 filing of certain notice; specifying contents of
11 certain notice; and requiring certain action to be
12 commenced within specified time period.

13 AMENDMENT NO. 1. Strike the title, enacting clause and entire bill
14 and insert

15 "An Act relating to attorneys' lien; amending 5 O.S.
16 2011, Section 6, which relates to attorneys' lien
17 procedures; making language gender neutral;
18 requiring filing of certain notice; specifying
19 contents of certain notice; and requiring certain
20 action to be commenced within specified time period.

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

22 SECTION 1. AMENDATORY 5 O.S. 2011, Section 6, is amended
23 to read as follows:

24 Section 6. A. From the commencement of an action, or from the
filing of an answer containing a counterclaim, the attorney who

1 represents the party in whose behalf such pleading is filed shall,
2 to the extent hereinafter specified, have a lien upon his client's
3 cause of action or counterclaim, and same shall attach to any
4 verdict, report, decision, finding or judgment in his or her
5 client's favor; and the proceeds thereof, wherever found, shall be
6 subject to such lien, and no settlement between the parties without
7 the approval of the attorney shall affect or destroy such lien,
8 provided such attorney serves notice upon the defendant or
9 defendants, or proposed defendant or defendants, in which he or she
10 shall set forth the nature of the lien he or she claims and the
11 extent thereof; and ~~said~~ the lien shall take effect from and after
12 the service of such notice, but such notice shall not be necessary
13 provided such attorney has filed such pleading in a court of record,
14 and endorsed thereon his or her name, together with the words "Lien
15 claimed."

16 B. In order to claim an attorney's lien on real property, the
17 attorney shall file a Notice of Attorney's Lien in the office of the
18 county clerk of the county where the real estate is situated and
19 shall refile the Notice of Attorney's Lien every five (5) years
20 before the expiration of the date previously filed. The Notice of
21 Attorney's lien shall contain the style of the case, the court where
22 pending, the case number, the attorney's name, address and phone
23 number and a complete legal description of the property subject to
24 the lien.

1 ENGROSSED SENATE
2 BILL NO. 1077

By: Crain of the Senate

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6 An Act relating to attorneys' lien; amending 5 O.S.
7 2011, Section 6, which relates to attorneys' lien
8 procedures; making language gender neutral; requiring
9 filing of certain notice; specifying contents of
10 certain notice; and requiring certain action to be
11 commenced within specified time period.

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

13 SECTION 2. AMENDATORY 5 O.S. 2011, Section 6, is amended
14 to read as follows:

15 Section 6. A. From the commencement of an action, or from the
16 filing of an answer containing a counterclaim, the attorney who
17 represents the party in whose behalf such pleading is filed shall,
18 to the extent hereinafter specified, have a lien upon his client's
19 cause of action or counterclaim, and same shall attach to any
20 verdict, report, decision, finding or judgment in his or her
21 client's favor; and the proceeds thereof, wherever found, shall be
22 subject to such lien, and no settlement between the parties without
23 the approval of the attorney shall affect or destroy such lien,
24 provided such attorney serves notice upon the defendant or
defendants, or proposed defendant or defendants, in which he or she

1 shall set forth the nature of the lien he claims and the extent
2 thereof; and ~~said~~ the lien shall take effect from and after the
3 service of such notice, but such notice shall not be necessary
4 provided such attorney has filed such pleading in a court of record,
5 and endorsed thereon his or her name, together with the words "Lien
6 claimed."

7 B. In order to claim an attorney's lien on real property, the
8 attorney shall file a Notice of Attorney's Lien in the office of the
9 county clerk of the county where the real estate is situated. The
10 Notice of Attorney's Lien shall contain the style of the case, the
11 court where pending, the case number, the attorney's name, address
12 and phone number and a complete legal description of the property
13 subject to the lien.

14 C. Any attorney claiming an Attorney's Lien prior to the
15 effective date of this act shall have a period of one (1) year from
16 such date to file a Notice of Attorney's Lien in accordance with
17 subsection B of this section.

18 D. An action to enforce an attorney's lien against real
19 property shall be commenced in the county where the real property is
20 situated within ten (10) years of recordation of the Notice of
21 Attorney's lien with the county clerk. The ten-year period for an
22 attorney's lien claimed prior to the effective date of this act
23 shall run from the effective date regardless of when the Notice of
24 Attorney's Lien is recorded.

1 Passed the Senate the 25th day of February, 2014.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2014.

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8 _____
9 Presiding Officer of the House
10 of Representatives