

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 1077

By: Crain of the Senate

and

6 Grau of the House

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8
9 COMMITTEE SUBSTITUTE

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

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

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

19 Section 6. A. From the commencement of an action, or from the
20 filing of an answer containing a counterclaim, the attorney who
21 represents the party in whose behalf such pleading is filed shall,
22 to the extent hereinafter specified, have a lien upon his client's
23 cause of action or counterclaim, and same shall attach to any
24 verdict, report, decision, finding or judgment in his or her
client's favor; and the proceeds thereof, wherever found, shall be

1 subject to such lien, and no settlement between the parties without
2 the approval of the attorney shall affect or destroy such lien,
3 provided such attorney serves notice upon the defendant or
4 defendants, or proposed defendant or defendants, in which he or she
5 shall set forth the nature of the lien he claims and the extent
6 thereof; and ~~said~~ the lien shall take effect from and after the
7 service of such notice, but such notice shall not be necessary
8 provided such attorney has filed such pleading in a court of record,
9 and endorsed thereon his or her name, together with the words "Lien
10 claimed."

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

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

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1 D. An action to enforce an attorney's lien against real
2 property shall be commenced in the county where the real property is
3 situated within ten (10) years of recordation of the Notice of
4 Attorney's Lien with the county clerk. The ten-year period for an
5 attorney's Lien claimed prior to the effective date of this act
6 shall run from the effective date regardless of when the Notice of
7 Attorney's Lien is recorded.

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9 54-2-10852 EK 04/09/14