



1 individual estate and shall not be affected by the consequences  
2 resulting from the tax delinquency of other unit holders.

3 B. Should a council of unit owners fail to maintain common  
4 elements consisting of drainage easements or stormwater retention or  
5 detention areas that are under its administration, management or  
6 control pursuant to the Unit Ownership Estate Act (collectively  
7 referred to as "drainage common elements"), such that those drainage  
8 common elements should become or actually represent a danger to the  
9 public health, safety or welfare, or otherwise may become or  
10 actually represent a nuisance, then the municipality, county or  
11 agent thereof, or any person owning property adjoining the unit  
12 ownership estate or affected by the lack of administration,  
13 management or control may file an action in the district court of  
14 the county in which the unit ownership estate is situated for  
15 damages, injunctive relief, abatement or other available remedies at  
16 law. The prevailing party to the action shall be awarded reasonable  
17 attorney fees to be taxed as costs. Without limiting the foregoing,  
18 the applicable municipality, county or agent thereof, after  
19 reasonable notice to the owners of units within the unit ownership  
20 estate and a thirty-day opportunity to cure, may enter the drainage  
21 common elements and take all actions in the discretion of the  
22 municipality, county or agent thereof necessary to remedy the lack  
23 of administration, management or control, the costs of which shall  
24 be levied against each unit within the unit ownership estate in the

1 ratio provided for in Section 505 of this title. Nothing contained  
2 in this subsection shall be construed to require a municipality,  
3 county or agent to sell a unit for the unit's lack of payment of  
4 assessed administration, management or control costs.

5 SECTION 2. AMENDATORY 60 O.S. 2011, Section 853, is  
6 amended to read as follows:

7 Section 853. A. Each separately owned lot, parcel or area  
8 together with its proportionate interest in the common element,  
9 shall constitute a separate and distinct unit; for the purpose of  
10 assessment of taxes, special assessments, and other charges which  
11 may be lawfully assessed against owners of real property, and each  
12 holder of such shall be liable solely for the amount of taxes  
13 against his individual estate and shall not be affected by the  
14 consequences resulting from the tax delinquency of other unit  
15 holders.

16 B. Should an owners association or the owners of lots, parcels  
17 or other areas within a real estate development, as defined by  
18 Section 851 of this title, fail to maintain common areas, common  
19 elements or areas of common responsibility, however designated,  
20 consisting of drainage easements or stormwater retention or  
21 detention areas (collectively referred to as "drainage common  
22 areas"), that are under its administration, management or control  
23 such that those drainage common areas should become or actually  
24 represent a danger to the public health, safety or welfare, or

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

1 otherwise may become or actually represent a nuisance, then the  
2 municipality, county or agent thereof, or any person owning property  
3 adjoining the real estate development or affected by the lack of  
4 administration, maintenance or control may file an action in the  
5 district court of the county in which the real estate development is  
6 situated for damages, injunctive relief, abatement or other  
7 available remedies at law. The prevailing party to the action shall  
8 be awarded reasonable attorney fees to be taxed as costs. Without  
9 limiting the foregoing, the applicable municipality, county or agent  
10 thereof, after reasonable notice to the owners of lots, parcels or  
11 other areas within the real estate development and a thirty-day  
12 opportunity to cure, may enter the drainage common area and take all  
13 actions in the discretion of such municipality, county or agent  
14 thereof necessary to remedy the lack of administration, management  
15 or control, the costs of which shall be levied against each lot,  
16 parcel or other area within the real estate development on a pro  
17 rata basis. Nothing contained in this subsection shall be construed  
18 to require a municipality, county or agent to sell a lot, parcel or  
19 other area for the lot's, parcel's or other area's lack of payment  
20 of assessed administration, management or control costs.

21 SECTION 3. This act shall become effective November 1, 2014.

22  
23 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02/12/2014 - DO  
24 PASS, As Coauthored.