

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 HOUSE BILL 1004

By: Cox

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5
6 AS INTRODUCED

7 An Act relating to civil procedure; amending 12 O.S.
8 2011, Section 759, which relates to appraisal of
9 property; allowing sheriff to use employee to
appraise certain property; and declaring an
emergency.

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

13 SECTION 1. AMENDATORY 12 O.S. 2011, Section 759, is
14 amended to read as follows:

15 Section 759. A. When a general execution is issued and placed
16 in the custody of a sheriff for levy, a certified copy of the
17 execution shall be filed in the office of the county clerk of the
18 county whose sheriff holds the execution and shall be indexed in the
19 same manner as judgments. At the time the execution is filed, the
20 court clerk shall collect from the party seeking a general execution
21 all fees necessary for the payment of the ~~disinterested persons for~~
22 ~~their~~ services in appraising of the subject property pursuant to the
23 requirements of subsection B of this section.
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1 B. If a general or special execution is levied upon lands and
2 tenements, the sheriff shall endorse on the face of the writ the
3 legal description and shall ~~have~~ have:

4 1. Have three disinterested persons who have taken an oath to
5 impartially appraise the property levied on, upon actual view; and
6 the disinterested persons shall return to the officer their signed
7 estimate of the real value of the property. The disinterested
8 persons shall be paid for their services by the court clerk of the
9 county where the property is located within thirty (30) days of the
10 date that they return their estimate of the real value of the
11 property; or

12 2. Have an employee of the sheriff appraise the property levied
13 on, upon actual view; and the employee of the sheriff shall return
14 to the officer the signed estimate of the real value of the
15 property. The office of sheriff shall be paid for the services of
16 the employee of the sheriff by the court clerk of the county where
17 the property is located within thirty (30) days of the date the
18 employee returns the estimate of the real value of the property.

19 C. To extend a judgment lien beyond the initial or any
20 subsequent statutory period, prior to the expiration of such period,
21 a certified copy of one of the following must be filed and indexed
22 in the same manner as judgments in the office of the county clerk in
23 the county in which the statement of judgment was filed and the lien
24 thereof is sought to be retained:

- 1 1. A general execution upon the judgment;
- 2 2. A notice of renewal of judgment;
- 3 3. A garnishment summons issued against the judgment debtor; or
- 4 4. A notice of income assignment sent to a payor of the
- 5 judgment debtor.

6 SECTION 2. It being immediately necessary for the preservation
7 of the public peace, health and safety, an emergency is hereby
8 declared to exist, by reason whereof this act shall take effect and
9 be in full force from and after its passage and approval.

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11 54-1-5170 LRB 12/27/12

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