STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

SENATE BILL 1077 By: Crain

AS INTRODUCED

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

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

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

Section 6. A. From the commencement of an action, or from the filing of an answer containing a counterclaim, the attorney who represents the party in whose behalf such pleading is filed shall, to the extent hereinafter specified, have a lien upon his client's cause of action or counterclaim, and same shall attach to any verdict, report, decision, finding or judgment in his or her client's favor; and the proceeds thereof, wherever found, shall be subject to such lien, and no settlement between the parties without the approval of the attorney shall affect or destroy such lien,

provided such attorney serves notice upon the defendant or defendants, or proposed defendant or defendants, in which he or she shall set forth the nature of the lien he claims and the extent thereof; and ~~said~~ the lien shall take effect from and after the service of such notice, but such notice shall not be necessary provided such attorney has filed such pleading in a court of record, and endorsed thereon his or her name, together with the words "Lien claimed."

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

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

D. An action to enforce an attorney's lien against real property shall be commenced in the county where the real property is situated within ten (10) years of recordation of the Notice of Attorney's lien with the county clerk. The ten-year period for an attorney's lien claimed prior to the effective date of this act

shall run from the effective date regardless of when the Notice of Attorney's Lien is recorded.

SECTION 2. This act shall become effective November 1, 2013.

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