

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
3 BILL NO. 2380

By: Goodwin of the House

4 and

5 David of the Senate

6
7 An Act relating to civil procedure; amending 12 O.S.
8 2011, Section 759, which relates to appraisement of
9 property; prohibiting persons within certain degree
10 of relation to the sheriff and sheriff's office
11 employees from appraising certain property; requiring
12 certain appraisals be performed by certified
13 appraisers in certain counties; defining term;
14 amending 59 O.S. 2011, Sections 858-701 and 858-702,
15 which relate to the Oklahoma Certified Real Estate
16 Appraisers Act; deleting legislative intent
17 statement; providing applicability to certain
18 transactions requiring appraisals; and providing an
19 effective date.
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21 AUTHOR: Add the following Senate Coauthor: Matthews

22 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
23 entire bill and insert

24 "[civil procedure - appraisement of property - real
estate professionals - effective date]

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

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

1 Section 759. A. When a general execution is issued and placed
2 in the custody of a sheriff for levy, a certified copy of the
3 execution shall be filed in the office of the county clerk of the
4 county whose sheriff holds the execution and shall be indexed in the
5 same manner as judgments. At the time the execution is filed, the
6 court clerk shall collect from the party seeking a general execution
7 all fees necessary for the payment of the disinterested ~~persons~~ real
8 estate professionals for their services in ~~appraising of~~ valuing the
9 subject property pursuant to the requirements of subsection B of
10 this section.

11 B. 1. If a general or special execution is levied upon lands
12 and tenements, the sheriff shall endorse on the face of the writ the
13 legal description and shall have three disinterested ~~persons who~~
14 ~~have taken an oath to impartially~~ real estate professionals appraise
15 the property levied on, upon actual view; and the disinterested
16 ~~persons~~ real estate professionals shall return to the officer their
17 signed estimate of the real value of the property. The
18 disinterested ~~persons~~ real estate professionals shall be paid for
19 their services by the court clerk of the county where the property
20 is located within thirty (30) days of the date that they return
21 their estimate of the real value of the property.

22 2. For purposes of this section "disinterested real estate
23 professional" means a certified real estate appraiser who is
24 licensed pursuant to the Oklahoma Certified Real Estate Appraisers

1 Act or a real estate broker who is licensed pursuant to the Oklahoma
2 Real Estate License Code and who is not related within the third
3 degree by affinity or consanguinity to the sheriff or any employee
4 of the appointing sheriff's office, or to any person having an
5 interest in the lands or tenements subject to levy, or to another
6 real estate professional valuing the same lands or tenements subject
7 to levy.

8 C. To extend a judgment lien beyond the initial or any
9 subsequent statutory period, prior to the expiration of such period,
10 a certified copy of one of the following must be filed and indexed
11 in the same manner as judgments in the office of the county clerk in
12 the county in which the statement of judgment was filed and the lien
13 thereof is sought to be retained:

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

19 SECTION 2. This act shall become effective November 1, 2016."
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