STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

CONFERENCE COMMITTEE
SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2380 By: Goodwin of the House

and

David and Matthews of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to civil procedure; amending 12 O.S. 2011, Section 759, which relates to appraisement of property levied pursuant to an execution; requiring appointment of certain disinterested persons be on a rotating basis; prohibiting persons within a certain degree of relation to other persons from valuing certain property; requiring certain certification or license in counties with certain population; and providing an 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:

Section 759. A. When a general execution is issued and placed in the custody of a sheriff for levy, a certified copy of the execution shall be filed in the office of the county clerk of the county whose sheriff holds the execution and shall be indexed in the

same manner as judgments. At the time the execution is filed, the court clerk shall collect from the party seeking a general execution all fees necessary for the payment of the disinterested persons for their services in appraising of the subject property pursuant to the requirements of subsection B of this section.

B. 1. If a general or special execution is levied upon lands and tenements, the sheriff shall endorse on the face of the writ the legal description and shall ~~have~~ appoint three disinterested persons who have taken an oath to impartially appraise the property levied on, upon actual view; and the disinterested persons shall return to the officer their signed estimate of the real value of the property. The disinterested persons shall be paid for their services by the court clerk of the county where the property is located within thirty (30) days of the date that they return their estimate of the real value of the property. The sheriff shall maintain a list of disinterested persons and shall select from the list on a rotating basis disinterested persons when appointment under this section is required.

2. A disinterested person conducting an appraisal pursuant to this section shall not be related within the third degree by affinity or consanguinity to the sheriff or any employee of the appointing sheriff's office, to any person having an interest in the lands or tenements subject to levy or to another disinterested person valuing the same lands or tenements subject to levy.

3. In counties having a population of sixty-five thousand (65,000) or more according to the latest Federal Decennial Census, a disinterested person conducting appraisals pursuant to this section shall be a certified real estate appraiser who is licensed pursuant to the Oklahoma Certified Real Estate Appraisers Act, a real estate broker who is licensed pursuant to the Oklahoma Real Estate License Code or a real estate sales associate who has been licensed pursuant to the Oklahoma Real Estate License Code for more than two (2) years.

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

1. A general execution upon the judgment;

2. A notice of renewal of judgment;

3. A garnishment summons issued against the judgment debtor; or

4. A notice of income assignment sent to a payor of the judgment debtor.

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

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