

1 ENGROSSED SENATE
2 BILL NO. 1201

By: Newberry of the Senate

3 and

4 Mulready of the House

5
6 An Act relating to sheriff sales; amending 12 O.S.
7 2011, Section 759, which relates to property
8 appraisals; requiring appraisal of certain property
9 by certified real estate professionals; and providing
an effective date.

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

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

13 Section 759. A. When a general execution is issued and placed
14 in the custody of a sheriff for levy, a certified copy of the
15 execution shall be filed in the office of the county clerk of the
16 county whose sheriff holds the execution and shall be indexed in the
17 same manner as judgments. At the time the execution is filed, the
18 court clerk shall collect from the party seeking a general execution
19 all fees necessary for the payment of ~~the disinterested persons~~ a
20 licensed real estate professional for their services in ~~appraising~~
21 ~~of~~ valuing the subject property pursuant to the requirements of
22 subsection B of this section.

23 B. If a general or special execution is levied upon lands and
24 tenements, the sheriff shall endorse on the face of the writ the

1 legal description and shall have ~~three disinterested persons who~~
2 ~~have taken an oath to impartially~~ a licensed real estate
3 professional, which may be a certified real estate appraiser,
4 licensed pursuant to the Oklahoma Certified Real Estate Appraisers
5 Act, or a licensed real estate broker, licensed pursuant to the
6 Oklahoma Real Estate License Code, appraise the property levied on,
7 upon actual view; and the ~~disinterested persons~~ licensed real estate
8 professional shall return to the officer ~~their~~ his or her signed
9 estimate of the real value of the property. The ~~disinterested~~
10 ~~persons~~ licensed real estate professional shall be paid for ~~their~~
11 ~~services~~ his or her service by the court clerk of the county where
12 the property is located within thirty (30) days of the date that
13 they return their estimate of the real value of the property.

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

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

