

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE BILL 2380

By: Goodwin

4
5
6 AS INTRODUCED

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

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

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

22 Section 759. A. When a general execution is issued and placed
23 in the custody of a sheriff for levy, a certified copy of the
24 execution shall be filed in the office of the county clerk of the
25 county whose sheriff holds the execution and shall be indexed in the
26 same manner as judgments. At the time the execution is filed, the
27 court clerk shall collect from the party seeking a general execution
28 all fees necessary for the payment of the ~~disinterested persons~~

1 certified appraisers for their services in appraising of the subject
2 property pursuant to the requirements of subsection B of this
3 section.

4 B. If a general or special execution is levied upon lands and
5 tenements, the sheriff shall endorse on the face of the writ the
6 legal description and shall have three ~~disinterested persons~~
7 certified appraisers who have taken an oath to impartially appraise
8 the property levied on, upon actual view; and the ~~disinterested~~
9 ~~persons~~ certified appraisers shall return to the officer their
10 signed estimate of the real value of the property. The
11 ~~disinterested persons~~ certified appraisers shall be paid for their
12 services by the court clerk of the county where the property is
13 located within thirty (30) days of the date that they return their
14 estimate of the real value of the property. No certified appraiser
15 shall be eligible to appraise the property if the certified
16 appraiser is related within the third degree by affinity or
17 consanguinity to the sheriff or any employee of the appointing
18 sheriff's office.

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 D. For purposes of this section, "certified appraiser" shall
7 mean a state-licensed, state-certified residential or state general
8 real estate appraiser under the Oklahoma Certified Real Estate
9 Appraisers Act.

10 SECTION 2. AMENDATORY 59 O.S. 2011, Section 858-701, is
11 amended to read as follows:

12 Section 858-701. It is the intent of the Legislature to develop
13 a real estate appraiser certification process which meets the
14 federal guidelines set forth in the Financial Institutions Reform,
15 Recovery, and Enforcement Act of 1989. The purpose of the Oklahoma
16 Certified Real Estate Appraisers Act is to provide appraisers within
17 the state a process for certification which will allow them to
18 participate in a federally related transaction and real_estate-
19 related financial transactions of the agencies, instrumentalities
20 and federally recognized entities as defined and recognized in Title
21 XI of the Financial Institutions Reform, Recovery, and Enforcement
22 Act of 1989. ~~It is not the intent of this legislation to prevent~~
23 ~~any person who is currently conducting business as an appraiser from~~
24 ~~continuing such action unless such action involves a federally~~

1 ~~related transaction or a real estate related financial transaction~~
2 ~~as defined in Title XI of the Financial Institutions Reform,~~
3 ~~Recovery, and Enforcement Act of 1989.~~

4 SECTION 3. AMENDATORY 59 O.S. 2011, Section 858-702, is
5 amended to read as follows:

6 Section 858-702. A. This act shall only apply to:

7 1. Any appraisal or appraiser involving the following:

8 a. a federally related transaction,

9 b. real-estate-related financial transactions of the
10 agencies, instrumentalities, and federally recognized
11 entities covered by the Financial Institutions Reform,
12 Recovery, and Enforcement Act of 1989, and

13 c. any real-estate-related transactions where an
14 appraisal report was made under a written agreement
15 that the appraisal report would follow the Uniform
16 Standards of Professional Appraisal Practice
17 guidelines or where a written appraisal states that it
18 is in compliance with the Uniform Standards of
19 Professional Appraisal Practice, and

20 d. any transaction requiring an appraisal under Section
21 759 of Title 12 of the Oklahoma Statutes; and

22 2. Appraisers certified or licensed pursuant to the Oklahoma
23 Certified Real Estate Appraisers Act or representing themselves as
24 such, whether such license or certification is active, inactive,

1 expired, suspended, or revoked as set forth in this act and the
2 rules and regulations promulgated pursuant thereto, to the extent
3 that the appraisers and any real property valuation and any real
4 property valuation activity performed by them shall conform to the
5 code of ethics as set forth in this act.

6 B. Certified public accountants, licensed in the states or
7 other U.S. jurisdictions, who perform appraisals of real estate
8 incidental to the performance of professional services they provide
9 to clients are excluded from the licensing and certification
10 provisions of the Oklahoma Certified Real Estate Appraisers Act
11 unless the appraisal is a federally related transaction or a real_
12 estate-related financial transaction of the agencies,
13 instrumentalities and federally recognized entities covered by the
14 Financial Institutions, Reform, Recovery and Enforcement Act of
15 1989.

16 SECTION 4. This act shall become effective November 1, 2016.

17
18 55-2-7768 AMM 01/15/16
19
20
21
22
23
24