

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 HOUSE BILL 1358

By: Goodwin

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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 levied pursuant to an execution; requiring
10 appointment of certain disinterested persons be on a
11 rotating basis; prohibiting persons within a certain
12 degree of relation to other persons from valuing
13 certain property; requiring certain certification or
14 license in counties with certain population; and
15 providing an effective date.

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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

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

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

16 2. A disinterested person conducting an appraisal pursuant to
17 this section shall not be related within the third degree by
18 affinity or consanguinity to the appointing sheriff, to any person
19 having an interest in the lands or tenements subject to levy or to
20 another disinterested person valuing the same lands or tenements
21 subject to levy.

22 3. In counties having a population of sixty-five thousand
23 (65,000) or more according to the latest Federal Decennial Census, a
24 disinterested person conducting appraisals pursuant to this section

1 shall be a certified real estate appraiser who is licensed pursuant
2 to the Oklahoma Certified Real Estate Appraisers Act, a real estate
3 broker who is licensed pursuant to the Oklahoma Real Estate License
4 Code or a real estate sales associate who has been licensed pursuant
5 to the Oklahoma Real Estate License Code for more than two (2)
6 years.

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

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

18 SECTION 2. This act shall become effective November 1, 2017.

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20 56-1-5859 AMM 12/15/16
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