

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

HOUSE BILL 3281

By: Kannady

AS INTRODUCED

An Act relating to forcible entry and detainer;
amending 12 O.S. 2011, Section 1148.5A, which relates
to constructive service of summons; updating
language; permitting subsequent action for monetary
relief if the court only renders judgment for
possession; and providing an effective date.

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

SECTION 1. AMENDATORY 12 O.S. 2011, Section 1148.5A, is
amended to read as follows:

Section 1148.5A If, in the exercise of reasonable diligence,
service cannot be made upon the defendant personally nor upon any
person residing upon the premises over fifteen (15) years of age,
then in lieu of service by certified mail, service may be obtained
for the sole purpose of adjudicating the right to restitution of the
premises by the sheriff's posting or by private process service
posting of said summons conspicuously on the building on the
premises, and, if there be no building on said premises, then by
posting the same at some conspicuous place on the premises sought to

1 be recovered at least five (5) days prior to the date of trial, and
2 by the claimant's mailing a copy of said summons to the ~~defendant at~~
3 ~~his~~ last-known address of the defendant by certified mail at least
4 five (5) days prior to said date of trial. Such service shall
5 confer no jurisdiction upon the court to render any judgment against
6 the defendant for the payment of money nor for any relief other than
7 the restoration of possession of the premises to the claimant,
8 unless the defendant appears at trial. If the court only renders a
9 judgment for restoration of possession of the premises, the claimant
10 shall not be precluded from pursuing a subsequent action for the
11 payment of rent or any other monetary relief. Such service shall
12 not be rendered ineffectual by the failure of the defendant to
13 actually see or receive such posted process nor by ~~his~~ the failure
14 of the defendant to actually receive or sign a return receipt for
15 such mailed process.

16 SECTION 2. This act shall become effective November 1, 2018.

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