

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL NO.632

By: Standridge

AS INTRODUCED

An Act relating to condemnation proceedings; amending 66 O.S. 2011, Section 55, which relates to commissioners' report; modifying procedures for offers of judgment in certain condemnation proceedings; making language gender neutral; updating statutory references; and providing an effective date.

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

SECTION 1. AMENDATORY 66 O.S. 2011, Section 55, is amended to read as follows:

Section 55. ~~(A)~~ A. The report of the commissioners may be reviewed by the district court, on written exceptions filed by either party, in the clerk's office within thirty (30) days after the filing of such report; and the court shall make such order therein as right and justice may require, either by confirmation, rejection or by ordering a new appraisalment on good cause shown; or either party may within sixty (60) days after the filing of such report file with the clerk a written demand for a trial by jury, in which case the amount of damages shall be assessed by a jury, and

1 the trial shall be conducted and judgment entered in the same manner
2 as civil actions in the district court. If the party demanding such
3 trial does not recover a verdict more favorable ~~to him~~ than the
4 assessment of the commissioners, all costs in the district court may
5 be taxed against ~~him~~ the party.

6 ~~(B)~~ B. Within ten (10) days after the report of commissioners
7 is filed, the court clerk shall forward to the attorney of record
8 for the condemnor, the attorney of record for each condemnee, and to
9 all unrepresented condemnees, a copy of the commissioners' report
10 and a notice stating the time limits for filing an exception or
11 demand for jury trial as specified in ~~paragraph (A)~~ subsection A of
12 this section. This notice shall be on a form prepared by the Court
13 Administrator, which shall be approved by the Supreme Court, and
14 shall be distributed to all clerks of the district court by ~~said~~ the
15 Court Administrator. If a party has been served by publication, the
16 clerk shall forward a copy of the report of commissioners and notice
17 of time limits for filing an exception or demand for jury trial to
18 the last-known mailing address, if any, and shall cause a copy of
19 the notice of time limits to be published in one (1) issue of a
20 newspaper qualified to publish legal notices, as defined in Section
21 106 of Title 25 of the Oklahoma Statutes. After issuing the notices
22 provided herein, the court clerk shall endorse on the notice form
23 filed in the case, the date and that a copy of the report together
24 with the notice was mailed to each party or ~~his~~ party's attorney of

1 record, or the date the notice was published in compliance with the
2 provisions hereof.

3 ~~(C)~~ C. The time limits for filing an exception and demand for
4 jury trial, as prescribed in ~~paragraph (A)~~ subsection A of this
5 section, shall be calculated from the date the report of the
6 commissioners is filed in the case. On failure of the court clerk
7 to give notice within the time prescribed in ~~paragraph (B)~~
8 subsection B of this section, the court, on application of any
9 party, may extend the time for filing an exception to the report or
10 a demand for trial by jury for a period not to exceed twenty (20)
11 days from the date the application is heard.

12 ~~(D)~~ ~~Where~~ D. Except as otherwise provided in subsection E of
13 this section, when the party instituting a condemnation proceeding
14 abandons such proceeding, or where the final judgment is that the
15 real property cannot be acquired by condemnation or if the award of
16 the jury exceeds the award of the court-appointed commissioners by
17 at least ten percent (10%), then the owner of any right, title or
18 interest in the property involved may be paid such sum as in the
19 opinion of the court will reimburse such owner for ~~his~~ the party's
20 reasonable attorney, appraisal, engineering, and expert witness fees
21 actually incurred because of the condemnation proceeding. The sum
22 awarded shall be paid by the party instituting the condemnation
23 proceeding.

1 E. In cases where the award of court-appointed commissioners is
2 Seventy-five Thousand Dollars (\$75,000.00) or less, the condemning
3 party may serve the defendant with an offer of judgment no sooner
4 than one hundred twenty (120) days after the commissioners' award
5 and no later than twenty (20) days prior to trial. The condemning
6 party's offer of judgment shall:

7 1. Be in writing;

8 2. Propose to settle all pending claims between the parties;

9 3. Itemize the total amount of just compensation to be paid to
10 the defendant; and

11 4. Itemize the total amount offered to cover the defendant's
12 court costs and fees associated with the litigation.

13 The offer of judgment shall be served upon the parties in the
14 same manner as any other pleading in a condemnation action but shall
15 not be filed with the court unless it is accepted or it becomes
16 necessary to enforce the provisions of this section. The offer of
17 judgment shall be valid unless revoked in writing prior to the
18 written acceptance or rejection by the defendant. If no written
19 acceptance or rejection is given, the offer of judgment becomes
20 invalid twenty (20) days after the date of service of the offer.
21 Upon proper filing of both the written offer and written acceptance,
22 the court shall enter a judgment thereon. If a valid offer of
23 judgment is rejected by the defendant and the jury award of just
24 compensation does not exceed the itemized amount of just

1 compensation included in the offer of judgment, then the defendant
2 shall be ineligible to petition the court for costs and fees set
3 forth in subsection D of this section regardless of whether the jury
4 award exceeded the commissioners' award by at least ten percent
5 (10%).

6 SECTION 2. This act shall become effective November 1, 2019.

7
8 57-1-503 TEK 2/15/2019 12:40:28 PM
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25