

1 ENGROSSED HOUSE  
2 BILL NO. 3467

By: Moore of the House

3 and

4 Howard of the Senate  
5  
6

7 An Act relating to civil procedure; amending 12 O.S.  
8 2021, Section 1513, which relates to partition by  
9 sale; providing for some property to be divided in  
10 kind while remaining property to be portioned by  
11 sale; providing procedure for subdividing property;  
12 providing procedure for sale; defining term; and  
13 providing an effective date.

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

15 SECTION 1. AMENDATORY 12 O.S. 2021, Section 1513, is  
16 amended to read as follows:

17 Section 1513. A. If none of the parties elect to take the  
18 property at the valuation, or if several of the parties elect to  
19 take the same at the valuation, in opposition to each other, the  
20 court shall make an order directing the sale of the property.

21 Unless the court orders a sale by public auction conducted by an  
22 auctioneer pursuant to subsection C of this section, the court shall  
23 direct the sheriff of the county to sell the same, in the same  
24 manner as in sales of real estate on execution property in the same  
manner as in sales of real estate on execution; but no sale (whether

1 by sheriff or auctioneer) shall be made at less than two-thirds  
2 (2/3) of the valuation placed upon the property by the  
3 commissioners.

4 B. The court may, upon the parties' agreement, partition some  
5 of the property in kind and order the balance of the property to be  
6 partitioned by sale.

7 C. Any property to be partitioned by sale may be sold at a  
8 public auction conducted by an auctioneer, in lieu of a sale by  
9 sheriff, in accordance with the provisions of this subsection. Upon  
10 the request of an interested party, the court may order a sale of  
11 the property at a public auction conducted by an auctioneer if the  
12 court finds that such sale is likely to result in a higher aggregate  
13 net price than a sale by sheriff using the procedures for sales of  
14 real estate on execution. Any sale by an auctioneer pursuant to  
15 this subsection shall be conducted in a manner consistent with the  
16 auction procedures and sale terms approved by the court, which may  
17 include provisions for: (1) offering noncontiguous land as separate  
18 tracts; (2) dividing any contiguous land into multiple tracts for  
19 purposes of the auction; and/or (3) selling multiple tracts  
20 separately and/or in one or more combinations in a manner resulting  
21 in the highest total price. After the auction, any interested party  
22 may report the auction results to the court and, upon the court's  
23 final approval and confirmation of the sale, the sheriff shall

1 execute and deliver one or more sheriff's deed(s) in accordance with  
2 the order of the court.

3 D. For purposes of this section, "auctioneer" means an  
4 individual or company that is licensed to sell real estate in the  
5 State of Oklahoma and engaged in the business of selling real estate  
6 by public auction.

7 SECTION 2. This act shall become effective November 1, 2024.

8 Passed the House of Representatives the 27th day of February,  
9 2024.

10  
11 \_\_\_\_\_  
12 Presiding Officer of the House  
of Representatives

13 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2024.

14  
15 \_\_\_\_\_  
16 Presiding Officer of the Senate  
17  
18  
19  
20  
21  
22  
23  
24