

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

HOUSE BILL 1588

By: Grego

AS INTRODUCED

An Act relating to civil procedure; amending 12 O.S. 2021, Section 93, which relates to the statute of limitations for real property; modifying the statute of limitations for adverse possession actions; and providing an effective date.

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

SECTION 1. AMENDATORY 12 O.S. 2021, Section 93, is amended to read as follows:

Section 93. Actions for the recovery of real property, or for the determination of any adverse right or interest therein, can only be brought within the periods hereinafter prescribed, after the cause of action shall have accrued, and at no other time thereafter:

(1) An action for the recovery of real property sold on execution, or for the recovery of real estate partitioned by judgment in kind, or sold, or conveyed pursuant to partition proceedings, or other judicial sale, or an action for the recovery of real estate distributed under decree of district court in administration or probate proceedings, when brought by or on behalf

1 of the execution debtor or former owner, or his or ~~their~~ her heirs,
2 or any person claiming under him or ~~them~~ her by title acquired after
3 the date of the judgment or by any person claiming to be an heir or
4 devisee of the decedent in whose estate such decree was rendered, or
5 claiming under, as successor in interest, any such heir or devisee,
6 within five (5) years after the date of the recording of the deed
7 made in pursuance of the sale or proceeding, or within five (5)
8 years after the date of the entry of the final judgment of partition
9 in kind where no sale is had in the partition proceedings; or within
10 five (5) years after the recording of the decree of distribution
11 rendered by the district court in an administration or probate
12 proceeding; provided, however, that where any such action pertains
13 to real estate distributed under decree of district court in
14 administration or probate proceedings and would at the passage of
15 this act be barred by the terms hereof, such action may be brought
16 within one (1) year after the passage of this act; this proviso
17 shall not be construed to revive any action barred by paragraph 4 of
18 this section.

19 (2) An action for the recovery of real property sold by
20 executors, administrators, or guardians, upon an order or judgment
21 of a court directing such sale, brought by the heirs or devisees of
22 the deceased person, or the ward of his or her guardian, or any
23 person claiming under any or either of them, by the title acquired
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1 after the date of judgment or order, within five (5) years after the
2 date of recording of the deed made in pursuance of the sale.

3 (3) An action for the recovery of real property sold for taxes,
4 within five (5) years after the date of the recording of the tax
5 deed, except where lands exempt from taxation by reason of any Act
6 of the Congress of the United States of America have been sold for
7 taxes, in which case there shall be no limitation; provided, nothing
8 herein shall be construed as reviving any cause of action for
9 recovery of real property heretofore barred nor as divesting any
10 interest acquired by adverse possession prior to the effective date
11 hereof.

12 (4) An action for the recovery of real property not
13 hereinbefore provided for, within fifteen (15) years, except for all
14 quiet title actions based upon adverse possession, with the
15 operative facts supporting the claim first occurring on or after
16 November 1, 2023, shall be within five (5) years. Quiet title
17 actions based upon adverse possession, with the operative facts
18 supporting the claim first occurring prior to November 1, 2023,
19 shall be within fifteen (15) years.

20 (5) An action for the forcible entry and detention or forcible
21 detention only of real property, within two (2) years.

22 (6) Numbered paragraphs 1, 2, and 3 shall be fully operative
23 regardless of whether the deed or judgment or the precedent action
24 or proceeding upon which such deed or judgment is based is void or

1 voidable in whole or in part, for any reason, jurisdictional or
2 otherwise; provided that this paragraph shall not be applied so as
3 to bar causes of action which have heretofore accrued, until the
4 expiration of one (1) year from and after its effective date.

5 SECTION 2. This act shall become effective November 1, 2023.

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