

An Act

ENROLLED HOUSE
BILL NO. 2792

By: Stinson and Waldron of the
House

and

Howard of the Senate

An Act relating to civil procedure; amending 12 O.S. 2021, Sections 1148.15 and 1148.16, which relate to affidavit and summons form for unlawful entry and detainer actions; removing affidavit form; directing the Oklahoma Bar Association to promulgate clear and understandable form for forcible entry and detainer action affidavits; providing that the Administrative Office of the Courts shall make certain forms available to access on the Oklahoma State Courts Network (OSCN) website; removing summons form; directing the Oklahoma Bar Association to promulgate clear and understandable form for forcible entry and detainer action summons; providing that the Administrative Office of the Courts shall make certain forms available to access on the Oklahoma State Courts Network (OSCN) website; providing timing requirements for summons delivery; amending 12 O.S. 2021, Sections 1172, 1173, 1173.2, 1173.4, 1174, 1178, 1178.1, 1178.2, and 1772, which relate to court forms; providing that certain forms shall be prescribed by the Oklahoma Bar Association; providing that the Administrative Office of the Courts shall make certain forms available to access on the Oklahoma State Courts Network (OSCN) website; and providing an effective date.

SUBJECT: Civil procedure

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

SECTION 1. AMENDATORY 12 O.S. 2021, Section 1148.15, is amended to read as follows:

Section 1148.15 The actions for unlawful entry and detainer, commonly known as an eviction, standing alone or when joined with a claim for collection of rent or damages to the premises, or both, shall be commenced by filing an affidavit ~~in substantially the following form with the clerk of the court:~~ with the clerk of the court. This affidavit is to be developed by the Oklahoma Bar Association using plain and understandable language. The Administrative Office of the Courts shall provide public access to the affidavit by providing a link to the form on the Oklahoma State Courts Network (OSCN) website.

In the District Court, County of _____, State of Oklahoma.

Plaintiff

vs. _____ No. _____

Defendant

~~STATE OF OKLAHOMA)~~

) ss

COUNTY OF _____)

AFFIDAVIT

_____, being duly sworn, deposes and says:

The defendant resides at _____, in the above-named county, and defendant's mailing address is

_____.

The defendant is indebted to the plaintiff in the sum of \$_____ for rent and for the further sum of \$_____ for damages to the premises rented by the defendant; the plaintiff has

~~demanded payment of said sum(s) but the defendant refused to pay the same and no part of the amount sued for herein has been paid,~~

~~and/or~~

~~the defendant is wrongfully in possession of certain real property described as~~

~~_____

the plaintiff is entitled to possession thereof and has made demand on the defendant to vacate the premises, but the defendant refused to do so.~~

~~Subscribed and sworn to before me this _____ day of _____, 19__.~~

~~_____

Notary Public (or Clerk or Judge)~~

SECTION 2. AMENDATORY 12 O.S. 2021, Section 1148.16, is amended to read as follows:

Section 1148.16 The summons to be issued in an action for forcible entry and detainer, commonly known as an eviction, shall be in the following a form: developed in plain and understandable language by the Oklahoma Bar Association. The Administrative Office of the Courts shall provide public access to the affidavit by providing a link to the form on the Oklahoma State Courts Network (OSCN) website. The summons shall be delivered no less than three (3) days before the scheduled time and date of the court hearing. This scheduled date and time shall not be less than five (5) days from the date the summons is issued.

SUMMONS

~~The State of Oklahoma to the within named defendant:~~

~~You are hereby directed to relinquish immediately to the plaintiff herein total possession of the real property described as~~

~~or to appear and show cause why you should be permitted to retain control and possession thereof.~~

~~This matter shall be heard at _____ (name or address of building), in _____, County of _____, State of Oklahoma, at the hour of _____ o'clock of _____ day of _____ month, 19____, or at the same time and place three (3) days after service hereof, whichever is the latter. (This date shall be not less than five (5) days from the date summons is issued). You are further notified that if you do not appear on the date shown, judgment will be given against you as follows:~~

~~For the amount of the claim for deficient rent and/or damages to the premises, as it is stated in the affidavit of the plaintiff and for possession of the real property described in said affidavit, whereupon a writ of assistance shall issue directing the sheriff to remove you from said premises and take possession thereof.~~

~~In addition, a judgment for costs of the action, including attorney's fees and other costs, may also be given.~~

~~Dated this _____ day of _____, 19____.~~

~~Clerk of the Court (or Judge)~~

~~Plaintiff or Attorney~~

~~Address~~

~~Telephone Number~~

SECTION 3. AMENDATORY 12 O.S. 2021, Section 1172, is amended to read as follows:

Section 1172. A. Garnishment proceedings, whether prejudgment or postjudgment, shall be commenced by the filing of an affidavit, on a form prescribed by the ~~Administrative Director of the Courts~~

Oklahoma Bar Association. The Administrative Office of the Courts shall provide public access to the affidavit by providing a link to the form on the Oklahoma State Courts Network (OSCN) website, stating:

1. The name(s) of the plaintiff(s);
2. The name(s) of the defendant(s);

3. In the case of prejudgment garnishments, the amount of the plaintiff's original claim against the defendant or defendants over and above all offsets;

4. In the case of postjudgment garnishments, the amount of the interest-bearing balance;

5. In the case of postjudgment garnishments, the rate and the date the interest begins to accrue; and

6. That the plaintiff verily believes that some person, naming him or her, whether within or without the county, is indebted to or has property in his or her possession or under his or her control belonging to the defendant, or either or any of the defendants, in the action or execution and that the indebtedness or property is, to the best of the knowledge and belief of the person making such affidavit, not by law exempt from seizure or sale upon execution.

B. The affidavit may be filed by the plaintiff or the plaintiff's attorney at or before the time of filing of a garnishment summons.

C. Only one garnishee may be embraced in any affidavit or garnishment summons.

SECTION 4. AMENDATORY 12 O.S. 2021, Section 1173, is amended to read as follows:

Section 1173. A. Any judgment creditor may obtain a noncontinuing lien on earnings. For the purposes of this section, "earnings" means any form of payment to an individual including, but not limited to, salary, commission, or other compensation, but does not include reimbursements for travel expenses for state employees.

B. A noncontinuing earnings garnishment shall be commenced by filing the affidavit provided for by Section 1172 of this title.

C. The form for the summons required by this section shall be prescribed by the ~~Administrative Office of the Courts~~ Oklahoma Bar Association. The Administrative Office of the Courts shall provide public access to the summons by providing a link to the form on the Oklahoma State Courts Network (OSCN) website.

D. The summons shall be served upon the garnishee, together with a copy of the judgment creditor's affidavit, a garnishee's answer form, notice of garnishment and request for hearing, and claim for exemptions, in the manner provided for in Section 2004 of this title and shall be returned with proof of service within ten (10) days of its date.

E. The garnishee's answer shall be on a form prescribed by the ~~Administrative Office of the Courts~~ Oklahoma Bar Association. The Administrative Office of the Courts shall provide public access to the garnishee's answer by providing a link to the form on the Oklahoma State Courts Network (OSCN) website.

F. Within seven (7) days after the end of the defendant's then-current pay period or thirty (30) days from the date of service of the garnishment summons, whichever is earlier, the garnishee shall file the answer with the court clerk and the garnishee shall pay the amount withheld from the pay period to the judgment creditor's attorney or to the judgment creditor, if there is no attorney, with a copy of the answer which shall state:

1. Whether the garnishee was the employer of or indebted or under any liability to the defendant named in the notice in any manner or upon any account for earnings or wages, specifying, as applicable, the beginning and ending dates of the pay period existing at the time of the service of the affidavit and summons, the total amounts earned in the pay period, and all of the facts and circumstances necessary to a complete understanding of the indebtedness or liability. When the garnishee shall be in doubt respecting the liability or indebtedness, the garnishee may set forth all of the facts and circumstances concerning the same, and submit the question to the court;

2. If the garnishee shall claim any setoff, defense, other indebtedness, liability, lien, or claim to the property, the facts and circumstances in the affidavit;

3. At the garnishee's option, any claim of exemption from execution on the part of the defendant or other objection known to

the garnishee against the right of the judgment creditor to apply the indebtedness or property disclosed;

4. If the garnishee shall disclose any indebtedness or the possession of any property to which the defendant or any other person makes claim, at the garnishee's option, the names and addresses of other claimants and, so far as known, the nature of the claims; and

5. That the garnishee has mailed or hand-delivered a copy of the notice of garnishment and exemptions, application for hearing, and the manner and date of compliance.

G. The garnishment summons served on the garnishee under this section is a lien on the defendant's property due at the time of service or the effective date of the summons to the extent the property is not exempt from garnishment.

H. 1. A garnishment lien under this section has priority over any subsequent garnishment lien or garnishment summons served on the garnishee.

2. When a garnishment summons is served under this section on a garnishee while a previous garnishment lien is still in effect, the garnishee shall answer the subsequent garnishment lien or garnishment summons by stating that the garnishee is presently holding defendant's property under a previous garnishment lien or garnishment summons and by giving the date when all previous garnishment liens or garnishment summonses are expected to end.

I. 1. When a postjudgment noncontinuing earnings garnishment under this section or a continuing earnings garnishment under Section 1173.4 of this title is issued against a defendant already subject to an income assignment for child support, the garnishee shall determine the maximum percentage of the defendant's disposable earnings according to the provisions of Section 1171.2 of this title and then deduct from that percentage the actual percentage of the defendant's disposable earnings actually withheld under the income assignment. The resulting percentage shall be the amount to be withheld by the garnishee, not to exceed twenty-five percent (25%).

2. For any involuntary legal or equitable procedures through which the earnings of any individual are required to be withheld for the payment of any debt which has statutory priority over this section, the amount withheld pursuant to a garnishment under this

section shall be reduced by the actual sums withheld pursuant to such other involuntary process.

J. A noncontinuing earnings garnishment may be suspended or modified by the judgment creditor upon agreement with the judgment debtor, which agreement shall be in writing and filed by the judgment creditor with the clerk of the court in which the judgment was entered. A copy of such agreement shall be mailed by first class mail to the garnishee, postage prepaid by judgment creditor.

SECTION 5. AMENDATORY 12 O.S. 2021, Section 1173.2, is amended to read as follows:

Section 1173.2 Upon the filing of such affidavit and the undertaking and, when a hearing is required, after said hearing, where the garnishment is for the collection of support, garnishee summons shall be issued by the judge of the district court if prejudgment garnishment is sought or by the clerk of the district court if postjudgment garnishment is sought and served upon each of the garnishees, in the manner provided for service of summons, and shall be returned with proof of service within five (5) days of its date except when issued to another county it shall be returned with proof of service within ten (10) days from its date. The garnishee summons shall be on a form prescribed by the ~~Administrative Office of the Courts~~ Oklahoma Bar Association. The Administrative Office of the Courts shall provide for public access to the garnishee summons by providing a link to the form on Oklahoma State Courts Network (OSCN) website.

SECTION 6. AMENDATORY 12 O.S. 2021, Section 1173.3, is amended to read as follows:

Section 1173.3 A. A general garnishment shall be commenced by filing the affidavit provided for by Section 1172 of this title.

B. The summons required by this section shall be on a form prescribed by the ~~Office of the Administrative Director of the Courts~~ Oklahoma Bar Association. The Administrative Office of the Courts shall provide public access to the summons by providing a link to the form on the Oklahoma State Courts Network (OSCN) website.

C. The summons required by subsection B of this section shall be served upon the garnishee together with a copy of the judgment creditor's affidavit, a garnishee's answer form, notice of

garnishment and request for hearing, and claim for exemptions in the manner provided for in Section 2004 of this title and shall be returned with proof of service within ten (10) days of its date.

D. The garnishee's answer shall be on a form prescribed by the ~~Office of the Administrative Director of the Courts~~ Oklahoma Bar Association. The Administrative Office of the Courts shall provide public access to the garnishee's answer by providing a link to the form on the Oklahoma State Courts Network (OSCN) website.

E. Within ten (10) days after service of the garnishment, the garnishee shall file its answer with the court clerk and pay or deliver to the judgment creditor's attorney or to the judgment creditor if there is no attorney the indebtedness or property belonging to or owed to the defendant, together with a copy of the answer which shall state:

1. Whether the garnishee was indebted or under any liability to or had in garnishee's possession or control, any property belonging to the defendant. When the garnishee shall be in doubt respecting any such liability or indebtedness, the garnishee may set forth all of the facts and circumstances concerning the same, and submit the question to the court;

2. If the garnishee shall claim any setoff, defense, other indebtedness, liability, lien, or claim to the property, the facts and circumstances;

3. At the garnishee's option, any claim of exemption from execution on the part of the defendant, or other objection known to the garnishee against the right of the judgment creditor to apply the indebtedness or property disclosed;

4. If the garnishee shall disclose any indebtedness or the possession of any property to which the defendant or any other person makes claim, at the garnishee's option, the names and addresses of such other claimants and, so far as known, the nature of the claims; and

5. That the garnishee has mailed or hand-delivered a copy of the notice of garnishment and exemptions, application for hearing, and the manner and date of compliance.

F. The garnishment summons and affidavit served on the garnishee under this section are a lien on the defendant's property

due at the time of service of the summons to the extent the property is not exempt from garnishment.

SECTION 7. AMENDATORY 12 O.S. 2021, Section 1173.4, is amended to read as follows:

Section 1173.4 A. Any judgment creditor may obtain a continuing lien on earnings. For the purposes of this section, "earnings" means any form of payment to an individual including, but not limited to, salary, wages, commission, or other compensation, but does not include reimbursements for travel expenses for state employees.

B. A continuing earnings garnishment shall be commenced by filing the affidavit provided for by Section 1172 of this title.

C. The summons required by this section shall be on a form prescribed by the ~~Administrative Office of the Courts~~ Oklahoma Bar Association. The Administrative Office of the Courts shall provide public access to the summons by providing a link to the form on the Oklahoma State Courts Network (OSCN) website.

D. The summons required by this section shall be served upon each of the garnishees, together with a copy of the judgment creditor's affidavit, a garnishee's answer form, notice of garnishment and request for hearing, and claim for exemptions, in the manner provided for in Section 2004 of this title and shall be returned with proof of service within ten (10) days of its date.

E. The garnishee's answer shall be on a form prescribed by the ~~Administrative Office of the Courts~~ Oklahoma Bar Association. The Administrative Office of the Courts shall provide public access to the garnishee's answer by providing a link to the form on the Oklahoma State Courts Network (OSCN) website.

F. Within seven (7) days after the end of each pay period, or, if the judgment debtor does not have regular pay periods or is not paid by the garnishee within thirty (30) days from the date of the garnishment summons, and after any payment by the garnishee to the judgment debtor, the garnishee shall file an answer with the court clerk, and pay the amount withheld to the judgment creditor's attorney or to the judgment creditor, if there is no attorney, together with a copy of the answer which shall state:

1. Whether the garnishee was the employer of the defendant named in the notice, was indebted to the defendant, or was under any liability to the defendant in any manner or upon any account for earnings, specifying the beginning and ending dates of the pay period, if applicable, existing at the time of the service of the affidavit and summons, the total amounts earned in the entire pay period, and all of the facts and circumstances necessary to a complete understanding of any indebtedness or liability. When the garnishee shall be in doubt respecting the liability or indebtedness, the garnishee may set forth all of the facts and circumstances concerning the same, and submit the question to the court;

2. If the garnishee shall claim any setoff, defense, other indebtedness, liability, lien, or claim to the property, the facts and circumstances in the affidavit;

3. At the garnishee's option, any claim of exemption from execution on the part of the defendant or other objection known to the garnishee against the right of the judgment creditor to apply the indebtedness or property disclosed;

4. If the garnishee shall disclose any indebtedness or the possession of any property to which the defendant or any other person makes claim, at the garnishee's option, the names and addresses of other claimants and, so far as known, the nature of their claims; and

5. That the garnishee has mailed or hand-delivered a copy of the notice of garnishment and exemptions, application for hearing, and the manner and date of compliance.

G. The garnishment summons served on the garnishee under this section is a lien on the defendant's property due at the time of service or the effective date of the summons, to the extent the property is not exempt from garnishment. This lien attaches to subsequent nonexempt earnings until one of the following occurs:

1. The judgment against the defendant is vacated, modified, or satisfied in full;

2. The summons is dismissed; or

3. One hundred eighty (180) days from the effective date of the summons have elapsed; provided, an affidavit and summons shall

continue in effect and shall apply to a pay period beginning before the end of the one-hundred-eighty-day period even if the conclusion extends beyond the end of the period.

H. 1. A garnishment lien under this section has priority over any subsequent garnishment lien or garnishment summons served on the garnishee during the period it is in effect, regardless of whether the amounts withheld by the garnishee are reduced by the court or by agreement of the parties.

2. a. When a garnishment summons is served under this section on a garnishee while a previous garnishment lien is still in effect, the garnishee shall answer the subsequent garnishment lien or garnishment summons by stating that the garnishee is presently holding defendant's property under a previous garnishment lien or garnishment summons, and by giving the date when all previous garnishment liens or garnishment summons are expected to end.

b. The subsequent summons is not effective if a summons or lien on the same cause of action is pending at the time of service unless the subsequent summons in the same cause of action is served after the one-hundred-fiftieth day of the previous garnishment lien.

I. 1. When a postjudgment wage garnishment under Section 1173 of this title or a continuing earnings garnishment under this section is issued against a defendant already subject to an income assignment for child support, the garnishee shall determine the maximum percentage of the defendant's disposable earnings according to the provisions of Section 1171.2 of this title and then deduct from that percentage the actual percentage of the defendant's disposable earnings actually withheld under the income assignment. The resulting percentage shall be the amount to be withheld by the garnishee, not to exceed twenty-five percent (25%).

2. For any involuntary legal or equitable procedures through which the earnings of any individual are required to be withheld for the payment of any debt which has statutory priority over this section, the amount withheld pursuant to a garnishment under this section shall be reduced by the actual sums withheld pursuant to such other involuntary process.

J. A continuing earnings garnishment may be suspended or modified for a specific period of time within the effective period of the garnishment by the judgment creditor upon agreement with the judgment debtor, which agreement shall be in writing and filed by the judgment creditor with the clerk of the court in which the judgment was entered, and a copy of which shall be mailed by first-class mail, postage prepaid by the judgment creditor to the garnishee.

K. Any garnishment issued against a debtor already subject to a continuing or noncontinuing earnings garnishment shall take effect immediately upon the conclusion of the prior garnishment, and shall be effective for its full one-hundred-eighty-day period of time or as otherwise provided in subsection G of this section.

SECTION 8. AMENDATORY 12 O.S. 2021, Section 1174, is amended to read as follows:

Section 1174. A. In all cases of garnishment before judgment, the defendant in the principal action shall be given notice of the issuance in said action of any garnishee summons, the date of issuance of said summons, and the name of the garnishee.

B. In all cases of garnishment for the collection of child support, the defendant shall be given notice as required by this section.

C. In all cases of postjudgment garnishment, the court clerk shall attach notice, in a form prescribed by the ~~Administrative Director of the Courts~~ Oklahoma Bar Association, with the garnishment, in the manner provided by Section 1172.2 of this title that the defendant may be entitled to claim an exemption for any assistance received pursuant to the terms of the Federal or Oklahoma Social Security Act and other exemptions that may be available to the defendant, and that any such claim should be filed with the court clerk within five (5) days from receipt of notice in a form prescribed by the ~~Administrative Director of the Courts~~ Oklahoma Bar Association, requesting a hearing as to the status of any assets which the defendant asserts are exempt. Any proceeding to claim an exemption initiated subsequent to five (5) days after receipt of notice shall be by motion unless otherwise agreed by the parties.

D. The Administrative Office of the Courts shall provide public access to both the notice and claim for exemption by providing links to the forms on the Oklahoma State Courts Network (OSCN) website.

E. Said notification may be accomplished by:

1. Serving a copy of the garnishee summons on the defendant or on his or her attorney of record in the manner provided for the service of summons; or

2. Sending the notice or a copy of the garnishee summons to the defendant or his or her attorney of record by registered or certified mail with return receipt requested, which receipt shall be filed in the action; or

3. Attaching the notice on the summons issued in the principal action prior to its service; or

4. Including the notice in the publication notice when service in the principal action is by publication; or

5. Publication one time in a newspaper of general circulation in the county in which the action is filed at least five (5) days prior to the date on which the garnishee's answer is due if the defendant is a nonresident or if the defendant's whereabouts are unknown to plaintiff.

SECTION 9. AMENDATORY 12 O.S. 2021, Section 1178, is amended to read as follows:

Section 1178. A. For the purposes of this section, "earnings" means any form of payment to an individual including, but not limited to, salary, wages, commission, or other compensation, but does not include reimbursement for travel expenses for state employees.

B. Where the garnishment summons is on earnings and is issued under Section 1173 of this title, the garnishee shall, within seven (7) days after the end of defendant's present pay period or where a payment of earnings is due, or thirty (30) days from the service of the summons, whichever is earlier, file an affidavit with the clerk of the court in which the action is pending and deliver or mail a copy thereof to the judgment creditor or the judgment creditor's attorney of record. The affidavit shall state:

1. Whether the garnishee was the employer of or indebted or under any liability to the defendant named in the notice in any manner or upon any account for earnings or wages, specifying, as applicable, the beginning and ending dates of the pay period

existing at the time of the service of the garnishee summons, the total amounts earned in the pay period, and all of the facts and circumstances necessary to a complete understanding of such indebtedness or liability. When the garnishee shall be in doubt respecting any such liability or indebtedness, the garnishee may set forth all of the facts and circumstances concerning the same, and submit the question to the court;

2. If the garnishee shall claim any setoff, defense, other indebtedness, liability, lien, or claim to such property, the facts and circumstances in the affidavit;

3. At the garnishee's option, any claim of exemption from execution on the part of the defendant, or other objection known to the garnishee against the right of the judgment creditor to apply the indebtedness or property disclosed;

4. If the garnishee shall disclose any indebtedness or the possession of any property to which the defendant, or any other person, makes claim, at the garnishee's option, the names and addresses of such other claimants and, so far as known, the nature of the claims; and

5. The garnishee shall state that he or she has mailed or hand-delivered a copy of the notice of garnishment and exemptions, application for hearing, and the manner and date of compliance.

C. The garnishee's answer shall be on a form prescribed by the ~~Administrative Office of the Courts~~ Oklahoma Bar Association. The Administrative Office of the Courts shall provide public access to the garnishee's answer by providing a link to the form on the Oklahoma State Courts Network (OSCN) website.

SECTION 10. AMENDATORY 12 O.S. 2021, Section 1178.1, is amended to read as follows:

Section 1178.1 A. For the purposes of this section, "wages" or "earnings" means any form of payment to an individual including, but not limited to, salary, commission, or other compensation, but does not include reimbursement for travel expenses for state employees.

B. Where the garnishment summons is for the collection of support and is issued under Section 1173.2 of this title, the garnishee shall, within ten (10) days from the service of the garnishee's summons or within seven (7) days after the end of

defendant's current pay period or thirty (30) days from the date of service of this summons, whichever is earlier, file an affidavit with the clerk of the court in which the action is pending and deliver or mail a copy thereof to the judgment creditor's attorney or to the judgment creditor if there is no attorney. The affidavit shall state:

1. Whether the garnishee was the employer of or indebted or under any liability to the defendant named in the notice in any manner or upon any account for earnings or wages specifying, as applicable, the beginning and ending dates of the pay period existing at the time of the service of the affidavit and summons, the total amounts earned in the pay period and all of the facts and circumstances necessary to a complete understanding of such indebtedness or liability. When the garnishee shall be in doubt respecting any such liability or indebtedness, the garnishee may set forth all of the facts and circumstances concerning the same, and submit the question to the court;

2. Whether the garnishee was indebted or under any liability to or had in garnishee's possession or control, any property belonging to the defendant. When the garnishee shall be in doubt respecting any such liability or indebtedness, the garnishee may set forth all of the facts and circumstances concerning the same, and submit the question to the court;

3. If the garnishee shall claim any setoff, defense, other indebtedness, liability, lien, or claim to such property, the facts and circumstances in the affidavit;

4. At the garnishee's option any claim of exemption from execution on the part of the defendant, or other objection known to the garnishee against the right of the judgment creditor, to apply the indebtedness or property disclosed;

5. If the garnishee shall disclose any indebtedness or the possession of any property to which the defendant or any other person, makes claim, at the garnishee's option the names and addresses of such other claimants and, so far as known, the nature of the claims; and

6. That the garnishee has mailed or hand-delivered a copy of the notice of garnishment and exemptions, application for hearing, and the manner and date of compliance.

C. The answer of the garnishee shall be on a form prescribed by the ~~Administrative Office of the Courts~~ Oklahoma Bar Association. The Administrative Office of the Courts shall provide public access to the garnishee's answer by providing a link to the form on the Oklahoma State Courts Network (OSCN) website.

SECTION 11. AMENDATORY 12 O.S. 2021, Section 1178.2, is amended to read as follows:

Section 1178.2 A. Where the garnishment summons is not on earnings, is not for the collection of child support and is issued under Section 1173.3 of this title, then unless the garnishee shall make the affidavit provided for in Section 1176 of this title, the garnishee shall, within ten (10) days from the service of the garnishee's summons, file an affidavit with the clerk of the court in which the action is pending and deliver or mail a copy thereof to the judgment creditor's attorney or to the judgment creditor if there is no attorney. The affidavit shall state:

1. Whether the garnishee was indebted or under any liability to the defendant named in the notice in any manner or upon any account specifying if indebted or liable, the amount, the interest thereon, the manner in which evidenced, when payable, whether an absolute or contingent liability and all of the facts and circumstances necessary to a complete understanding of such indebtedness or liability. When the garnishee shall be in doubt respecting any such liability or indebtedness, the garnishee may set forth all of the facts and circumstances concerning the same, and submit the question to the court;

2. Whether the garnishee was indebted or under any liability to or had in garnishee's possession or control, any property belonging to the defendant. When the garnishee shall be in doubt respecting any such liability or indebtedness, the garnishee may set forth all of the facts and circumstances concerning the same, and submit the question to the court;

3. If the garnishee shall claim any setoff, defense, other indebtedness, liability, lien, or claim to such property, the facts and circumstances in the affidavit;

4. At the garnishee's option, any claim of exemption from execution on the part of the defendant, or other objection known to the garnishee against the right of the judgment creditor to apply the indebtedness or property disclosed;

5. If the garnishee shall disclose any indebtedness or the possession of any property to which the defendant or any other person makes claim, at the garnishee's option, the names and addresses of such other claimants and, so far as known, the nature of the claims; and

6. That the garnishee has mailed or hand-delivered a copy of the notice of garnishment and exemptions, application for hearing, and the manner and date of compliance.

B. The answer of the garnishee shall be on a form prescribed by the ~~Administrative Office of the Courts~~ Oklahoma Bar Association. The Administrative Office of the Courts shall provide public access to the garnishee's answer by providing a link to the form on the Oklahoma State Courts Network (OSCN) website.

SECTION 12. AMENDATORY 12 O.S. 2021, Section 1772, is amended to read as follows:

Section 1772. Judgments for the payment of money shall be processed and collected as follows:

1. Incident to the entering of the judgment and while the parties are still under oath:

- a. the court may arrange a judgment satisfaction plan and enter a writ of execution, and
- b. the court may secure a listing and description of the judgment debtor's assets from the judgment debtor in case subsequent attachment of property becomes necessary to collect an unsatisfied judgment. Forms for an application and order to appear and answer as to assets and interrogatories to be answered by the debtor shall be supplied by the court clerk on forms promulgated by the ~~Director of the Administrative Office of the Courts~~ Oklahoma Bar Association.

2. If the judgment debtor fails to satisfy the judgment in accordance with the judgment satisfaction plan, the judgment creditor shall attempt to contact the judgment debtor and collect the same.

3. If the judgment debtor still fails to satisfy the judgment, the judgment creditor may:

- a. require the debtor to appear and answer interrogatories regarding assets, or
- b. request the issuance of a writ of execution or a garnishment summons on forms provided by the court clerk.

4. Except as provided in this section, proceedings hereunder to collect the judgment shall be conducted pursuant to the provisions of this title.

SECTION 13. This act shall become effective November 1, 2023.

Passed the House of Representatives the 20th day of March, 2023.

Presiding Officer of the House
of Representatives

Passed the Senate the 25th day of April, 2023.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____
day of _____, 20_____, at _____ o'clock _____ M.
By: _____

Approved by the Governor of the State of Oklahoma this _____
day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____
day of _____, 20_____, at _____ o'clock _____ M.
By: _____