

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3467

By: Moore

AS INTRODUCED

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

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

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

Section 1513. A. If none of the parties elect to take the property at the valuation, or if several of the parties elect to take the same at the valuation, in opposition to each other, the court shall make an order directing the sale of the property. Unless the court orders a sale by public auction conducted by an auctioneer pursuant to subsection C of this Section 1513, the court shall direct the sheriff of the county to sell the same, in the same 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 by sheriff

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

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

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

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

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

6
7 59-2-8786 JL 01/16/24
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
--