

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB4236 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By deleting the content of the entire measure, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Chris Kannady

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

PROPOSED POLICY
COMMITTEE SUBSTITUTE
FOR
HOUSE BILL 4236

By: Kannady

PROPOSED POLICY COMMITTEE SUBSTITUTE

An Act relating to receivership; creating the Uniform Commercial Receivership Act; defining terms; requiring notice and opportunity for hearing to issue an order under the act; permitting issuance of an order without prior notice and an opportunity for hearing under certain circumstances; providing for application of act to certain property interests; excluding certain property interests from act; excluding governmental property from act; clarifying court authority to appoint a receiver under other laws of the state; authorizing exclusive jurisdiction for courts that appoint receiver under this act; permitting a court to appoint a receiver under certain circumstances; requiring a potential receiver to submit certain information before he or she can be appointed; providing for disqualification of persons from being a receiver; preventing disqualification of certain persons; allowing nominations of potential receivers for court consideration; requiring receivers to post a bond or alternative security; providing receiver shall have same status as lien creditor; authorizing a security agreement covering after-acquired property; permitting a receiver to make certain demands; requiring turnover of receivership property; authorizing courts to impose sanctions for failure to turn over property; listing powers and duties of a receiver; providing duties of an owner; directing the appointment of a receiver operates as a stay; authorizing an injunction; authorizing the court to void any act in violation of a stay or injunction; permitting the court to award damages for a violation and sanction the violation as civil contempt; authorizing receiver to engage

1 professional services to perform receiver duties;
2 requiring certain disclosures to the court; defining
3 good faith; permitting use or transfer of
4 receivership property not in the ordinary course of
5 business with court approval; defining timeshare
6 interest; authorizing a receiver to adopt or reject
7 an executory contract of the owner relating to
8 receivership property; prohibiting receiver from
9 rejected an unexpired lease of real property under
10 certain circumstances; providing that a receiver
11 shall be entitled to all defenses and immunities
12 provided by law; permitting a receiver to be sued
13 personally for an act or omission in administering
14 receivership property with approval of the court;
15 directing receiver to file interim report; requiring
16 receiver to provide notice of appointment to
17 creditors; directing creditors to submit claims
18 against receivership property; providing for
19 distribution to creditors; permitting reasonable and
20 necessary fees and expenses; authorizing court to
21 remove a receiver for cause; providing for
22 replacement of receiver; providing for termination of
23 receivership; requiring receiver to file final
24 report; discharging receiver upon approval of final
report; providing procedure for receivership in
another state; describing effect of enforcement by
secured party; requiring uniformity of application
and construction of act; clarifying relation to
electronic signatures in global and national commerce
act; providing act does not apply to receivers
appointed before effective date of act; providing for
codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 870.1 of Title 12, unless there
is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Uniform
Commercial Receivership Act".

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 870.2 of Title 12, unless there
3 is created a duplication in numbering, reads as follows:

4 As used in this act:

5 1. "Affiliate" means:

6 a. with respect to an individual:

7 (1) a companion of the individual,

8 (2) a lineal ancestor or descendant, whether by blood
9 or adoption, of:

10 (a) the individual, or

11 (b) a companion of the individual,

12 (3) a companion of an ancestor or descendant

13 described in division (2) of this subparagraph,

14 (4) a sibling, aunt, uncle, great aunt, great uncle,

15 first cousin, niece, nephew, grandniece, or

16 grandnephew of the individual, whether related by

17 the whole or the half blood or adoption, or a

18 companion of any of them, or

19 (5) any other individual occupying the residence of
20 the individual, and

21 b. with respect to a person other than an individual:

22 (1) another person that directly or indirectly

23 controls, is controlled by, or is under common

24 control with the person,

1 (2) an officer, director, manager, member, partner,
2 employee, or trustee or other fiduciary of the
3 person, or

4 (3) a companion of, or an individual occupying the
5 residence of, an individual described in
6 divisions (1) and (2) of this subparagraph;

7 2. "Collateral" means the property of the debtor subject to a
8 lien;

9 3. "Companion" means:

- 10 a. the spouse of an individual,
11 b. the domestic partner of an individual, or
12 c. another individual in a civil union with an
13 individual;

14 4. "Court" means the district court of the county in which an
15 action is pending wherein relief pursuant to this act is sought;

16 5. "Debtor" means a person having an interest, other than a
17 lien, in collateral, whether or not the person is liable for the
18 secured obligation. "Debtor" includes a mortgagor;

19 6. "Executory contract" means a contract, including a lease,
20 under which each party has an unperformed obligation and the failure
21 of a party to complete performance would constitute a material
22 breach;

1 7. "Governmental unit" means an office, department, division,
2 bureau, board, commission, or other agency of this state or a
3 political subdivision of this state;

4 8. "Lien" means an interest in property which secures payment
5 or performance of an obligation;

6 9. "Mortgage" means a record, however denominated, that creates
7 or provides for a consensual lien on real property or rents, even if
8 the mortgage also creates or provides for a lien on personal
9 property;

10 10. "Mortgagee" means a person entitled to enforce an
11 obligation secured by a mortgage;

12 11. "Mortgagor" means a person that grants a mortgage or a
13 successor in ownership of the real property described in the
14 mortgage;

15 12. "Owner" means the person for whose property a receiver is
16 appointed;

17 13. "Person" means an individual, estate, business or nonprofit
18 entity, public corporation, government or governmental political
19 subdivision, agency, or instrumentality, or other legal entity;

20 14. "Proceeds" means the following property:

- 21 a. whatever is acquired on the sale, lease, license,
22 exchange, or other disposition of receivership
23 property,
24

- b. whatever is collected on, or distributed on account of, receivership property,
- c. rights arising out of receivership property,
- d. to the extent of the value of receivership property, claims arising out of the loss, nonconformity, or interference with the use of, defects or infringement of rights in, or damage to the property, or
- e. to the extent of the value of receivership property and to the extent payable to the owner or secured party, insurance payable by reason of the loss or nonconformity of, defects or infringement of rights in, or damage to the property;

15. "Property" means all of a person's rights, title, and interest, both legal and equitable, in real and personal property, tangible and intangible, wherever located and however acquired. "Property" includes proceeds, products, offspring, rents, or profits of or from the property;

16. "Receiver" means a person appointed by the court as the court's agent, and subject to the court's direction, to take possession of, manage, and, if authorized by this act or court order, transfer, sell, lease, license, exchange, collect, or otherwise dispose of receivership property;

17. "Receivership" means a proceeding in which a receiver is appointed;

1 18. "Receivership property" means the property of an owner
2 which is described in the order appointing a receiver or a
3 subsequent order. "Receivership property" includes any proceeds,
4 products, offspring, rents, or profits of or from the property;

5 19. "Record" means information that is inscribed on a tangible
6 medium or that is stored on an electronic or other medium and is
7 retrievable in perceivable form;

8 20. "Rents" means:

- 9 a. sums payable for the right to possess or occupy, or
10 for the actual possession or occupation of, real
11 property of another person,
- 12 b. sums payable to a mortgagor under a policy of rental-
13 interruption insurance covering real property,
- 14 c. claims arising out of a default in the payment of sums
15 payable for the right to possess or occupy real
16 property of another person,
- 17 d. sums payable to terminate an agreement to possess or
18 occupy real property of another person,
- 19 e. sums payable to a mortgagor for payment or
20 reimbursement of expenses incurred in owning,
21 operating, and maintaining real property or
22 constructing or installing improvements on real
23 property, or
24

1 f. other sums payable under an agreement relating to the
2 real property of another person which constitute rents
3 under law of this state other than this act;

4 21. "Secured obligation" means an obligation the payment or
5 performance of which is secured by a security agreement;

6 22. "Secured party" means a person entitled to enforce a
7 secured obligation. "Secured party" includes a mortgagee;

8 23. "Security agreement" means an agreement that creates or
9 provides for a lien. "Security agreement" includes a mortgage;

10 24. "Sign" means, with present intent to authenticate or adopt
11 a record:

12 a. to execute or adopt a tangible symbol, or

13 b. to attach to or logically associate with the record an
14 electronic sound, symbol, or process; and

15 25. "State" means a state of the United States, the District of
16 Columbia, Puerto Rico, the United States Virgin Islands, or any
17 territory or insular possession subject to the jurisdiction of the
18 United States.

19 SECTION 3. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 870.3 of Title 12, unless there
21 is created a duplication in numbering, reads as follows:

22 A. Except as otherwise provided in subsection B of this
23 section, the court may issue an order under this act only after
24

1 notice and opportunity for a hearing appropriate in the
2 circumstances.

3 B. The court may issue an order under this act:

4 1. Without prior notice if the circumstances require issuance
5 of an order before notice is given;

6 2. After notice and without a prior hearing if the
7 circumstances require issuance of an order before a hearing is held;
8 or

9 3. After notice and without a hearing if no interested party
10 timely objects to the request for appointment of a receiver and
11 requests a hearing.

12 SECTION 4. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 870.4 of Title 12, unless there
14 is created a duplication in numbering, reads as follows:

15 A. Except as otherwise provided in subsections B and C of this
16 section, this act shall apply to a receivership for an interest in
17 any one or more of the following:

18 1. Real property and any personal property related to or used
19 in operating the real property; or

20 2. Personal property and fixtures.

21 B. This act shall not apply to a receivership for an interest
22 in real property improved by one to four dwelling units unless:

23 1. The interest is used for agricultural, commercial,
24 industrial, or mineral-extraction purposes, other than incidental

1 uses by an owner occupying the property as the owner's primary
2 residence;

3 2. The interest secures an obligation incurred at a time when
4 the property was used or planned for use for agricultural,
5 commercial, industrial, or mineral-extraction purposes;

6 3. The owner planned or is planning to develop the property
7 into one or more dwelling units to be sold or leased in the ordinary
8 course of the owner's business; or

9 4. The owner is collecting or has the right to collect rents or
10 other income from the property from a person other than an affiliate
11 of the owner.

12 C. This act shall not apply to a receivership authorized by law
13 of this state, other than this act, in which the receiver is a
14 governmental unit or an individual acting in an official capacity on
15 behalf of the governmental unit except to the extent provided by the
16 authorizing law.

17 D. This act shall not limit the authority of a court to appoint
18 a receiver under other laws of this state. However, Sections 1551
19 through 1559 of Title 12 of the Oklahoma Statutes shall not apply to
20 any receiverships within the scope of this act.

21 E. Unless displaced by a particular provision of this act, the
22 principles of law and equity shall supplement this act.

1 SECTION 5. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 870.5 of Title 12, unless there
3 is created a duplication in numbering, reads as follows:

4 Any court that appoints a receiver under this act shall have
5 exclusive jurisdiction to direct the receiver and determine any
6 controversy related to the receivership or receivership property.

7 SECTION 6. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 870.6 of Title 12, unless there
9 is created a duplication in numbering, reads as follows:

10 A. A court may appoint a receiver:

11 1. Before judgment, to protect a party that demonstrates an
12 apparent right, title, or interest in property that is the subject
13 of the action, if the property or its revenue-producing potential:

14 a. is being subjected to or is in danger of waste, loss,
15 dissipation, or impairment, or

16 b. has been or is about to be the subject of a voidable
17 transaction;

18 2. After judgment:

19 a. to carry the judgment into effect, or

20 b. to preserve nonexempt real property pending appeal or
21 when an execution has been returned unsatisfied and
22 the owner refuses to apply the property in
23 satisfaction of the judgment;

1 3. In an action in which a receiver may be appointed on
2 equitable grounds; or

3 4. During the time allowed for redemption, to preserve property
4 sold in an execution or foreclosure sale and secure its rents to the
5 person entitled to the rents.

6 B. In connection with the foreclosure or other enforcement of a
7 security agreement, the court may appoint a receiver for the
8 collateral if:

9 1. Appointment is necessary to protect the collateral from
10 waste, loss, transfer, dissipation, or impairment;

11 2. The debtor agreed in a signed record to appointment of a
12 receiver on default;

13 3. The owner agreed, after default and in a signed record, to
14 appointment of a receiver;

15 4. The collateral and any other collateral held by the secured
16 party are not sufficient to satisfy the secured obligation;

17 5. The owner fails to turn over to the secured party proceeds
18 or rents the secured party was entitled to collect; or

19 6. The holder of a subordinate lien obtains appointment of a
20 receiver for the property.

21 C. The court may condition appointment of a receiver without
22 prior notice under paragraph 1 of subsection B of Section 3 of this
23 act or without a prior hearing under paragraph 2 of subsection B of
24 Section 3 of this act on the giving of security by the person

1 seeking the appointment for the payment of damages, reasonable
2 attorney fees, and costs incurred or suffered by any person if the
3 court later concludes that the appointment was not justified. If
4 the court later concludes that the appointment was justified, the
5 court shall release the security.

6 SECTION 7. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 870.7 of Title 12, unless there
8 is created a duplication in numbering, reads as follows:

9 A. The court may not appoint a person as receiver unless the
10 person submits to the court a statement under penalty of perjury
11 that the person is not disqualified.

12 B. Except as otherwise provided in subsection C of this
13 section, a person shall be disqualified from appointment as receiver
14 if the person:

- 15 1. Is an affiliate of a party;
- 16 2. Has an interest materially adverse to an interest of a
17 party;
- 18 3. Has a material financial interest in the outcome of the
19 action, other than compensation the court may allow the receiver;
- 20 4. Has a debtor-creditor relationship with a party; or
- 21 5. Holds an equity interest in a party, other than a
22 noncontrolling interest in a publicly-traded company.

23 C. A person shall not disqualified from appointment as receiver
24 solely because the person:

1 1. Was appointed receiver or is owed compensation in an
2 unrelated matter involving a party or was engaged by a party in a
3 matter unrelated to the receivership;

4 2. Is an individual obligated to a party on a debt that is not
5 in default and was incurred primarily for personal, family, or
6 household purposes; or

7 3. Maintains with a party a deposit account as defined in
8 paragraph 29 of subsection a of Section 1-9-102 of Title 12A of the
9 Oklahoma Statutes.

10 D. A person seeking appointment of a receiver may nominate a
11 person to serve as receiver, but the court shall not be bound by the
12 nomination.

13 SECTION 8. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 870.8 of Title 12, unless there
15 is created a duplication in numbering, reads as follows:

16 A. Except as otherwise provided in subsection B of this
17 section, a receiver shall post with the court a bond that:

18 1. Is conditioned on the faithful discharge of the receiver's
19 duties;

20 2. Has one or more sureties approved by the court;

21 3. Is in an amount the court specifies; and

22 4. Is effective as of the date of the receiver's appointment.

23 B. The court may approve the posting by a receiver with the
24 court of alternative security such as a letter of credit or deposit

1 of funds. The receiver may not use receivership property as
2 alternative security. Interest that accrues on deposited funds
3 shall be paid to the receiver on the receiver's discharge.

4 C. The court may authorize a receiver to act before the
5 receiver posts the bond or alternative security required by this
6 section.

7 D. A claim against a receiver's bond or alternative security
8 shall be made not later than two (2) years after the date the
9 receiver is discharged.

10 SECTION 9. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 870.9 of Title 12, unless there
12 is created a duplication in numbering, reads as follows:

13 On appointment of a receiver, the receiver shall have the status
14 of a lien creditor under:

15 1. The Uniform Commercial Code - Secured Transactions as to
16 receivership property that is personal property or fixtures; and

17 2. The recording statute of this state as to receivership
18 property that is real property.

19 SECTION 10. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 870.10 of Title 12, unless there
21 is created a duplication in numbering, reads as follows:

22 Except as otherwise provided by law, property that a receiver or
23 owner acquires after appointment of the receiver shall be subject to
24

1 a security agreement entered into before the appointment to the same
2 extent as if the court had not appointed the receiver.

3 SECTION 11. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 870.11 of Title 12, unless there
5 is created a duplication in numbering, reads as follows:

6 A. Unless the court orders otherwise, on demand by a receiver:

7 1. A person that owes a debt that is receivership property and
8 is matured or payable on demand or on order shall pay the debt to or
9 on the order of the receiver, except to the extent the debt is
10 subject to setoff or recoupment; and

11 2. Subject to subsection C of this section, a person that has
12 possession, custody, or control of receivership property shall turn
13 the property over to the receiver.

14 B. A person that has notice of the appointment of a receiver
15 and owes a debt that is receivership property may not satisfy the
16 debt by payment to the owner.

17 C. If a creditor has possession, custody, or control of
18 receivership property and the validity, perfection, or priority of
19 the creditor's lien on the property depends on the creditor's
20 possession, custody, or control, the creditor may retain possession,
21 custody, or control until the court orders adequate protection of
22 the creditor's lien.

23 D. Unless a bona fide dispute exists about a receiver's right
24 to possession, custody, or control of receivership property, the

1 court may sanction as civil contempt a person's failure to turn the
2 property over when required by this section.

3 SECTION 12. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 870.12 of Title 12, unless there
5 is created a duplication in numbering, reads as follows:

6 A. Except as limited by court order or other laws of this
7 state, a receiver may:

8 1. Collect, control, manage, conserve, and protect receivership
9 property;

10 2. Operate a business constituting receivership property,
11 including preservation, use, sale, lease, license, exchange,
12 collection, or disposition of the property in the ordinary course of
13 business;

14 3. In the ordinary course of business, incur unsecured debt and
15 pay expenses incidental to the receiver's preservation, use, sale,
16 lease, license, exchange, collection, or disposition of receivership
17 property;

18 4. Assert a right, claim, cause of action, or defense of the
19 owner which relates to receivership property;

20 5. Seek and obtain instruction from the court concerning
21 receivership property, exercise of the receiver's powers, and
22 performance of the receiver's duties;

23 6. On subpoena, compel a person to submit to examination under
24 oath, or to produce and permit inspection and copying of designated

1 records or tangible things, with respect to receivership property or
2 any other matter that may affect administration of the receivership;

3 7. Engage a professional as provided in Section 15 of this act;

4 8. Apply to a court of another state for appointment as
5 ancillary receiver with respect to receivership property located in
6 that state; and

7 9. Exercise any power conferred by court order, this act, or
8 other laws of this state.

9 B. With court approval, a receiver may:

10 1. Incur debt for the use or benefit of receivership property
11 other than in the ordinary course of business;

12 2. Make improvements to receivership property;

13 3. Use or transfer receivership property other than in the
14 ordinary course of business as provided in Section 16 of this act;

15 4. Adopt or reject an executory contract of the owner as
16 provided in Section 17 of this act;

17 5. Pay compensation to the receiver as provided in Section 21
18 of this act, and to each professional engaged by the receiver as
19 provided in Section 15 of this act;

20 6. Recommend allowance or disallowance of a claim of a creditor
21 as provided in Section 20 of this act; and

22 7. Make a distribution of receivership property as provided in
23 Section 20 of this act.

24 C. A receiver shall:

1 1. Prepare and retain appropriate business records, including a
2 record of each receipt, disbursement, and disposition of
3 receivership property;

4 2. Account for receivership property, including the proceeds of
5 a sale, lease, license, exchange, collection, or other disposition
6 of the property;

7 3. File with the appropriate real property recording office a
8 copy of the order appointing the receiver and, if a legal
9 description of the real property is not included in the order, the
10 legal description;

11 4. Disclose to the court any fact arising during the
12 receivership which would disqualify the receiver under Section 7 of
13 this act; and

14 5. Perform any duty imposed by court order, this act, or other
15 law of this state.

16 D. The powers and duties of a receiver may be expanded,
17 modified, or limited by court order.

18 SECTION 13. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 870.13 of Title 12, unless there
20 is created a duplication in numbering, reads as follows:

21 A. An owner shall:

22 1. Assist and cooperate with the receiver in the administration
23 of the receivership and the discharge of the receiver's duties;
24

1 2. Preserve and turn over to the receiver all receivership
2 property in the owner's possession, custody, or control;

3 3. Identify all records and other information relating to the
4 receivership property, including a password, authorization, or other
5 information needed to obtain or maintain access to or control of the
6 receivership property, and make available to the receiver the
7 records and information in the owner's possession, custody, or
8 control;

9 4. On subpoena, submit to examination under oath by the
10 receiver concerning the acts, conduct, property, liabilities, and
11 financial condition of the owner or any matter relating to the
12 receivership property or the receivership; and

13 5. Perform any duty imposed by court order, this act, or other
14 law of this state.

15 B. If an owner is a person other than an individual, this
16 section shall apply to each officer, director, manager, member,
17 partner, trustee, or other person exercising or having the power to
18 exercise control over the affairs of the owner.

19 C. If a person knowingly fails to perform a duty imposed by
20 this section, the court may:

21 1. Award the receiver actual damages caused by the person's
22 failure, reasonable attorney fees, and costs; and

23 2. Sanction the failure as civil contempt.
24

SECTION 14. NEW LAW

A new section of law to be codified in the Oklahoma Statutes as Section 870.14 of Title 12, unless there is created a duplication in numbering, reads as follows:

A. Except as otherwise provided in subsection D of this section or as ordered by the court, an order appointing a receiver operates as a stay, applicable to all persons, of an act, action, or proceeding:

1. To obtain possession of, exercise control over, or enforce a judgment against receivership property; and

2. To enforce a lien against receivership property to the extent the lien secures a claim against the owner which arose before entry of the order.

B. Except as otherwise provided in subsection D of this section, the court may enjoin an act, action, or proceeding against or relating to receivership property if the injunction is necessary to protect the property or facilitate administration of the receivership.

C. A person whose act, action, or proceeding is stayed or enjoined under this section may apply to the court for relief from the stay or injunction for cause.

D. An order under subsection A or B of this section does not operate as a stay or injunction of:

1 1. An act, action, or proceeding to foreclose or otherwise
2 enforce a security agreement by the person seeking appointment of
3 the receiver;

4 2. An act, action, or proceeding to perfect, or maintain or
5 continue the perfection of, an interest in receivership property;

6 3. Commencement or continuation of a criminal proceeding;

7 4. Commencement or continuation of an action or proceeding, or
8 enforcement of a judgment other than a money judgment in an action
9 or proceeding, by a governmental unit to enforce its police or
10 regulatory power;

11 5. Establishment by a governmental unit of a tax liability
12 against the owner or receivership property or an appeal of the
13 liability; or

14 6. The exercise of rights of a party to a swap agreement,
15 securities contract, repurchase agreement, commodity contract,
16 forward contract or master netting agreement, as those terms are
17 defined in the federal Bankruptcy Code, to the extent that a court
18 would not have the power to stay the exercise if the owner were a
19 debtor under the Bankruptcy Code.

20 E. The court may void an act that violates a stay or injunction
21 under this section.

22 F. If a person knowingly violates a stay or injunction under
23 this section, the court may:

1 1. Award actual damages caused by the violation, reasonable
2 attorney fees, and costs; and

3 2. Sanction the violation as civil contempt.

4 SECTION 15. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 870.15 of Title 12, unless there
6 is created a duplication in numbering, reads as follows:

7 A. With court approval, a receiver may engage an attorney,
8 accountant, appraiser, auctioneer, broker, or other professional to
9 assist the receiver in performing a duty or exercising a power of
10 the receiver. The receiver shall disclose to the court:

11 1. The identity and qualifications of the professional;

12 2. The scope and nature of the proposed engagement;

13 3. Any potential conflict of interest; and

14 4. The proposed compensation.

15 B. A person shall not be disqualified from engagement under
16 this section solely because of the person's engagement by,
17 representation of, or other relationship with the receiver, a
18 creditor, or a party. This act shall not prevent the receiver from
19 serving in the receivership as an attorney, accountant, auctioneer,
20 or broker when authorized by law.

21 C. A receiver or professional engaged under subsection A of
22 this section shall file with the court an itemized statement of the
23 time spent, work performed, and billing rate of each person that
24

1 performed the work and an itemized list of expenses. The receiver
2 shall pay the amount approved by the court.

3 SECTION 16. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 870.16 of Title 12, unless there
5 is created a duplication in numbering, reads as follows:

6 A. In this section, "good faith" means honesty in fact and the
7 observance of reasonable commercial standards of fair dealing.

8 B. With court approval, a receiver may use receivership
9 property other than in the ordinary course of business.

10 C. With court approval, a receiver may transfer receivership
11 property other than in the ordinary course of business by sale,
12 lease, license, exchange, or other disposition. Unless the
13 agreement of sale provides otherwise, a sale under this section
14 shall be free and clear of a lien of the person that obtained
15 appointment of the receiver, any subordinate lien, and any right of
16 redemption but shall be subject to a senior lien.

17 D. A lien on receivership property which is extinguished by a
18 transfer under subsection C of this section attaches to the proceeds
19 of the transfer with the same validity, perfection, and priority the
20 lien had on the property immediately before the transfer, even if
21 the proceeds are not sufficient to satisfy all obligations secured
22 by the lien.

23 E. A transfer under subsection C of this section may occur by
24 means other than a public auction sale. A creditor holding a valid

1 lien on the property to be transferred may purchase the property and
2 offset against the purchase price part or all of the allowed amount
3 secured by the lien, if the creditor tenders funds sufficient to
4 satisfy in full the reasonable expenses of transfer and the
5 obligation secured by any senior lien extinguished by the transfer.

6 F. A reversal or modification of an order approving a transfer
7 under subsection C of this section shall not affect the validity of
8 the transfer to a person that acquired the property in good faith or
9 revive against the person any lien extinguished by the transfer,
10 whether the person knew before the transfer of the request for
11 reversal or modification, unless the court stayed the order before
12 the transfer.

13 SECTION 17. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 870.17 of Title 12, unless there
15 is created a duplication in numbering, reads as follows:

16 A. In this section, "timeshare interest" means an interest
17 having a duration of more than three (3) years which grants its
18 holder the right to use and occupy an accommodation, facility, or
19 recreational site, whether improved or not, for a specific period
20 less than a full year during any given year.

21 B. Except as otherwise provided in subsection H of this
22 section, with court approval, a receiver may adopt or reject an
23 executory contract of the owner relating to receivership property.
24 The court may condition the receiver's adoption and continued

1 performance of the contract on terms appropriate under the
2 circumstances. If the receiver does not request court approval to
3 adopt or reject the contract within a reasonable time after the
4 receiver's appointment, the receiver shall be deemed to have
5 rejected the contract.

6 C. A receiver's performance of an executory contract before
7 court approval under subsection B of this section of its adoption or
8 rejection shall not be an adoption of the contract and shall not
9 preclude the receiver from seeking approval to reject the contract.

10 D. A provision in an executory contract which requires or
11 permits a forfeiture, modification, or termination of the contract
12 because of the appointment of a receiver or the financial condition
13 of the owner shall not affect a receiver's power under subsection B
14 of this section to adopt the contract.

15 E. A receiver's right to possess or use receivership property
16 pursuant to an executory contract terminates on rejection of the
17 contract under subsection B of this section. Rejection shall be a
18 breach of the contract, effective immediately, before appointment of
19 the receiver. A claim for damages for rejection of the contract
20 shall be submitted by the later of:

- 21 1. The time set for submitting a claim in the receivership; or
- 22 2. Thirty (30) days after the court approves the rejection.

23 F. If at the time a receiver is appointed, the owner has the
24 right to assign an executory contract relating to receivership

1 property under other laws of this state, the receiver may assign the
2 contract with court approval.

3 G. If a receiver rejects under subsection B of this section an
4 executory contract for the sale of receivership property that is
5 real property in possession of the purchaser or a real-property
6 timeshare interest, the purchaser may:

7 1. Treat the rejection as a termination of the contract, and in
8 that case the purchaser has a lien on the property for the recovery
9 of any part of the purchase price the purchaser paid; or

10 2. Retain the purchaser's right to possession under the
11 contract, and in that case the purchaser shall continue to perform
12 all obligations arising under the contract and may offset any
13 damages caused by nonperformance of an obligation of the owner after
14 the date of the rejection, but the purchaser has no right or claim
15 against other receivership property or the receiver on account of
16 the damages.

17 H. A receiver may not reject an unexpired lease of real
18 property under which the owner is the landlord if:

19 1. The tenant occupies the leased premises as the tenant's
20 primary residence;

21 2. The receiver was appointed at the request of a person other
22 than a mortgagee; or

23 3. The receiver was appointed at the request of a mortgagee
24 and:

- 1 a. the lease is superior to the lien of the mortgage,
- 2 b. the tenant has an enforceable agreement with the
- 3 mortgagee or the holder of a senior lien under which
- 4 the tenant's occupancy will not be disturbed as long
- 5 as the tenant performs its obligations under the
- 6 lease,
- 7 c. the mortgagee has consented to the lease, either in a
- 8 signed record or by its failure timely to object that
- 9 the lease violated the mortgage, or
- 10 d. the terms of the lease were commercially reasonable at
- 11 the time the lease was agreed to and the tenant did
- 12 not know or have reason to know that the lease
- 13 violated the mortgage.

14 SECTION 18. NEW LAW A new section of law to be codified

15 in the Oklahoma Statutes as Section 870.18 of Title 12, unless there

16 is created a duplication in numbering, reads as follows:

17 A. A receiver shall be entitled to all defenses and immunities

18 provided by law for an act or omission within the scope of the

19 receiver's appointment.

20 B. A receiver may be sued personally for an act or omission in

21 administering receivership property only with approval of the court

22 that appointed the receiver.

23

24

1 SECTION 19. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 870.19 of Title 12, unless there
3 is created a duplication in numbering, reads as follows:

4 A receiver may file or, if ordered by the court, shall file an
5 interim report that includes:

6 1. The activities of the receiver since appointment or a
7 previous report;

8 2. Receipts and disbursements, including a payment made or
9 proposed to be made to a professional engaged by the receiver;

10 3. Receipts and dispositions of receivership property;

11 4. Fees and expenses of the receiver and, if not filed
12 separately, a request for approval of payment of the fees and
13 expenses; and

14 5. Any other information required by the court.

15 SECTION 20. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 870.20 of Title 12, unless there
17 is created a duplication in numbering, reads as follows:

18 A. Except as otherwise provided in subsection F of this
19 section, a receiver shall give notice of appointment of the receiver
20 to creditors of the owner by:

21 1. Deposit for delivery through first-class mail or other
22 commercially reasonable delivery method to the last-known address of
23 each creditor; and

24 2. Publication as directed by the court.

1 B. Except as otherwise provided in subsection F of this
2 section, the notice required by subsection A of this section shall
3 specify the date by which each creditor holding a claim against the
4 owner which arose before appointment of the receiver must submit the
5 claim to the receiver. The date specified shall be at least ninety
6 (90) days after the letter of notice under paragraph 1 of subsection
7 A of this section or last publication under paragraph 2 of
8 subsection A of this section. The court may extend the period for
9 submitting the claim. Unless the court orders otherwise, a claim
10 that is not submitted timely shall not be entitled to a distribution
11 from the receivership.

12 C. A claim submitted by a creditor under this section shall:

- 13 1. State the name and address of the creditor;
- 14 2. State the amount and basis of the claim;
- 15 3. Identify any property securing the claim;
- 16 4. Be signed by the creditor under penalty of perjury; and
- 17 5. Include a copy of any record on which the claim is based.

18 D. An assignment by a creditor of a claim against the owner
19 shall be effective against the receiver only if the assignee gives
20 timely notice of the assignment to the receiver in a signed record.

21 E. At any time before entry of an order approving a receiver's
22 final report, the receiver may file with the court an objection to a
23 claim of a creditor, stating the basis for the objection. The court
24

1 shall allow or disallow the claim according to the laws of this
2 state.

3 F. If the court concludes that receivership property is likely
4 to be insufficient to satisfy claims of each creditor holding a
5 perfected lien on the property, the court may order that:

6 1. The receiver need not give notice under subsection A of this
7 section of the appointment to all creditors of the owner, but only
8 such creditors as the court directs; and

9 2. Unsecured creditors need not submit claims under this
10 section.

11 G. Subject to Section 21 of this act:

12 1. A distribution of receivership property to a creditor
13 holding a perfected lien on the property shall be made in accordance
14 with the creditor's priority under the laws of this state; and

15 2. A distribution of receivership property to a creditor with
16 an allowed unsecured claim shall be made as the court directs
17 according to the laws of this state.

18 SECTION 21. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 870.21 of Title 12, unless there
20 is created a duplication in numbering, reads as follows:

21 A. The court may award a receiver from receivership property
22 the reasonable and necessary fees and expenses of performing the
23 duties of the receiver and exercising the powers of the receiver.

1 B. The court may order one or more of the following to pay the
2 reasonable and necessary fees and expenses of the receivership,
3 including reasonable attorney fees and costs:

4 1. A person that requested the appointment of the receiver, if
5 the receivership does not produce sufficient funds to pay the fees
6 and expenses; or

7 2. A person whose conduct justified or would have justified the
8 appointment of the receiver under paragraph 1 of subsection A of
9 Section 6 of this act.

10 SECTION 22. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 870.22 of Title 12, unless there
12 is created a duplication in numbering, reads as follows:

13 A. The court may remove a receiver for cause.

14 B. The court shall replace a receiver that dies, resigns, or is
15 removed.

16 C. If the court finds that a receiver that resigns or is
17 removed, or the representative of a receiver that is deceased, has
18 accounted fully for and turned over to the successor receiver all
19 receivership property and has filed a report of all receipts and
20 disbursements during the service of the replaced receiver, the
21 replaced receiver shall be discharged.

22 D. The court may discharge a receiver and terminate the court's
23 administration of the receivership property if the court finds that
24 appointment of the receiver was improvident or that the

1 circumstances no longer warrant continuation of the receivership.

2 If the court finds that the appointment was sought wrongfully or in
3 bad faith, the court may assess against the person that sought the
4 appointment:

5 1. The fees and expenses of the receivership, including
6 reasonable attorney fees and costs; and

7 2. Actual damages caused by the appointment, including
8 reasonable attorney fees and costs.

9 SECTION 23. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 870.23 of Title 12, unless there
11 is created a duplication in numbering, reads as follows:

12 A. On completion of a receiver's duties, the receiver shall
13 file a final report including:

14 1. A description of the activities of the receiver in the
15 conduct of the receivership;

16 2. A list of receivership property at the commencement of the
17 receivership and any receivership property received during the
18 receivership;

19 3. A list of disbursements, including payments to professionals
20 engaged by the receiver;

21 4. A list of dispositions of receivership property;

22 5. A list of distributions made or proposed to be made from the
23 receivership for creditor claims;

1 6. If not filed separately, a request for approval of the
2 payment of fees and expenses of the receiver; and

3 7. Any other information required by the court.

4 B. If the court approves a final report filed under subsection
5 A of this section and the receiver distributes all receivership
6 property, the receiver shall be discharged.

7 SECTION 24. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 870.24 of Title 12, unless there
9 is created a duplication in numbering, reads as follows:

10 A. The court may appoint a receiver appointed in another state,
11 or that person's nominee, as an ancillary receiver with respect to
12 property located in this state or subject to the jurisdiction of the
13 court for which a receiver could be appointed under this act, if:

14 1. The person or nominee would be eligible to serve as receiver
15 under Section 7 of this act; and

16 2. The appointment furthers the person's possession, custody,
17 control, or disposition of property subject to the receivership in
18 the other state.

19 B. The court may issue an order that gives effect to an order
20 entered in another state appointing or directing a receiver.

21 C. Unless the court orders otherwise, an ancillary receiver
22 appointed under subsection A of this section has the rights, powers,
23 and duties of a receiver appointed under this act.

1 SECTION 25. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 870.25 of Title 12, unless there
3 is created a duplication in numbering, reads as follows:

4 A. A request by a secured party for appointment of a receiver,
5 the appointment of a receiver, or application by a secured party of
6 receivership property or proceeds to the secured obligation shall
7 not:

8 1. Make the secured party a mortgagee in possession of real
9 property;

10 2. Impose any duty on the secured party under Section 1-9-207
11 of Title 12A of the Oklahoma Statutes;

12 3. Make the secured party an agent of the owner;

13 4. Constitute an election of remedies that precludes a later
14 action to enforce the secured obligation;

15 5. Make the secured obligation unenforceable;

16 6. Limit any right available to the secured party with respect
17 to the secured obligation; or

18 7. Except as otherwise provided in subsection B of this
19 section, bar a deficiency judgment pursuant to law of this state
20 other than this act governing or relating to a deficiency judgment.

21 B. If a receiver sells receivership property that pursuant to
22 subsection C of Section 16 of this act which is free and clear of a
23 lien, the ability of a creditor to enforce an obligation that had
24

1 been secured by the lien shall be subject to laws of this state
2 relating to a deficiency judgment.

3 SECTION 26. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 870.26 of Title 12, unless there
5 is created a duplication in numbering, reads as follows:

6 In applying and construing this act, consideration shall be
7 given to the need to promote uniformity of the law with respect to
8 its subject matter among states that enact it.

9 SECTION 27. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 870.27 of Title 12, unless there
11 is created a duplication in numbering, reads as follows:

12 This act modifies, limits, or supersedes the Electronic
13 Signatures in Global and National Commerce Act, 15 U.S.C., Section
14 7001 et seq., but shall not be deemed to modify, limit, or supersede
15 Section 101(c) of that act, 15 U.S.C., Section 7001(c), or authorize
16 electronic delivery of any of the notices described in Section
17 103(b) of that act, 15 U.S.C., Section 7003(b).

18 SECTION 28. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 870.28 of Title 12, unless there
20 is created a duplication in numbering, reads as follows:

21 This act shall not apply to a receivership for which the
22 receiver was appointed before the effective date of this act.

SECTION 29. This act shall become effective November 1, 2026.

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