

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 2264

By: Miller

COMMITTEE SUBSTITUTE

An Act relating to property; amending 60 O.S. 2021, Section 852, which relates to owners associations; providing that a lien filed shall include any obligation in connection with membership in the owners association by means of a levy or assessment which arise after the filing of the lien; providing that an owners association may collect on any amounts owed to it by filing an action; providing for attorney fees; providing outcome if a lien has been filed and the owners association is the prevailing party; providing outcome if no lien has been filed and the owners association is the prevailing party; providing outcome if owners or members are the prevailing party; providing when an owners association may foreclose upon a lien or a judgment lien; providing when lien or a judgment lien may be foreclosed against an owners association; providing for recovery of reasonable attorney fees; and providing an effective date.

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

SECTION 1. AMENDATORY 60 O.S. 2021, Section 852, is amended to read as follows:

A. An "owners association" may be formed by the owner or owners of real estate development for the purpose of:

1 1. ~~providing~~ Providing management, maintenance, preservation
2 and control of commonly owned areas or any portion of or interest in
3 them, ~~and/or;~~ and

4 2. ~~enforcing~~ Enforcing all mutual, common or reciprocal
5 interests in or restrictions upon all or portions of such separately
6 owned lots, parcels, or areas, or both.

7 B. An owners association shall be formed by the execution of an
8 instrument signed and acknowledged by all owners of the real
9 property included. Such instrument shall set forth in detail the
10 nature of the obligations of the members and shall be filed of
11 record in the office of the county clerk of the county wherein the
12 real property is located. The instrument shall include a
13 description of said real property.

14 C. The owners association shall have the power to enforce any
15 obligation in connection with membership in the owners association
16 by means of a levy or assessment which may become a lien upon the
17 separately or commonly owned lots, parcels or areas of defaulting
18 owners or members, which said lien may be foreclosed in any manner
19 provided by law for the foreclosure of mortgages or deeds of trust,
20 with or without a power of sale. In an action brought to enforce
21 any lien authorized pursuant to the provisions of this section, the
22 prevailing party shall be entitled to recover reasonable ~~attorney's~~
23 attorney fees to be fixed by the court, which shall be taxed as
24 costs in the action. The lien filed shall also include any

1 obligation in connection with membership in the owners association
2 by means of a levy or assessment which arise after the filing of the
3 lien and is otherwise unpaid. No lien may be placed or mortgage
4 foreclosed unless the homeowner was informed in writing upon joining
5 the owners association of the existence and content of the owners
6 association restrictions and rules, and of the potential for
7 financial liability to the individual owner by joining said owners
8 association.

9 D. The owners association may collect on any amounts owed to it
10 by filing an action in the district court where the separately or
11 commonly owned lots, parcels or areas of defaulting owners or
12 members is located. In an action brought pursuant to this
13 subsection, the prevailing party shall be entitled to recover
14 reasonable attorney fees to be fixed by the court, which shall be
15 taxed as costs in the action. The filing of an action to collect
16 under this subsection does not affect the rights of the owners
17 association under subsection E of this section.

18 1. If a lien has been filed, and the owners association is the
19 prevailing party, any judgment obtained against the defaulting
20 owners or members shall supersede the lien and any amounts owed
21 pursuant to the judgment, including attorney fees, may be collected
22 on by the owners association in any manner provided by law for the
23 collection of judgments.

1 2. If no lien has been filed, and the owners association is the
2 prevailing party, any judgment, including attorney fees, obtained
3 against the defaulting owners or members may become a judgment lien
4 and be collected on by the owners association in any manner provided
5 by law for the collection of judgments.

6 3. If the owners or members are the prevailing party, any
7 amounts owed pursuant to the judgment, including attorney fees,
8 shall become an obligation of the owners association which shall be
9 paid by the owners association, including but not limited to, by
10 means of a levy or assessment upon the separately or commonly owned
11 lots, parcels or areas of the owners or members excepting the
12 prevailing party owners or members. If the owners association also
13 owns any common area property, the owners or members as the
14 prevailing party may file a statement of judgment which shall attach
15 to those common areas.

16 E. 1. After the third anniversary of the filing of a lien
17 pursuant to subsection C of this section, or the filing of a
18 judgment lien pursuant to paragraphs 1 and 2 of subsection D of this
19 section, whichever is earlier, if there are amounts still owed to
20 the owners association, the lien or judgment lien may be foreclosed
21 in any manner provided by law for the foreclosure of mortgages or
22 deeds of trust, with or without a power of sale.

23 2. After the third anniversary of the filing of a judgment lien
24 pursuant to paragraph 3 of subsection D of this section, if there

1 are amounts still owed by the owners association, the lien or
2 judgment lien may be foreclosed in any manner provided by law for
3 the foreclosure of mortgages or deeds of trust, with or without a
4 power of sale.

5 3. In an action brought to enforce any lien authorized pursuant
6 to the provisions of this subsection, the prevailing party shall be
7 entitled to recover reasonable attorney fees to be fixed by the
8 court, which shall be taxed as costs in the action.

9 SECTION 2. This act shall become effective November 1, 2025.

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