

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 60th Legislature (2025)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2264

By: Miller

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8 COMMITTEE SUBSTITUTE

9 An Act relating to property; amending 60 O.S. 2021,
10 Section 852, which relates to owners associations;
11 providing that a lien filed shall include any
12 obligation in connection with membership in the
13 owners association by means of a levy or assessment
14 which arise after the filing of the lien; providing
15 that an owners association may collect on any amounts
16 owed to it by filing an action; providing for
17 attorney fees; providing outcome if a lien has been
18 filed and the owners association is the prevailing
19 party; providing outcome if no lien has been filed
20 and the owners association is the prevailing party;
21 providing outcome if owners or members are the
22 prevailing party; providing when an owners
23 association may foreclose upon a lien or a judgment
24 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:

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

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

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

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

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

1 attorney fees to be fixed by the court, which shall be taxed as
2 costs in the action. The lien filed shall also include any
3 obligation in connection with membership in the owners association
4 by means of a levy or assessment which arise after the filing of the
5 lien and is otherwise unpaid. No lien may be placed or mortgage
6 foreclosed unless the homeowner was informed in writing upon joining
7 the owners association of the existence and content of the owners
8 association restrictions and rules, and of the potential for
9 financial liability to the individual owner by joining said owners
10 association.

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

20 1. If a lien has been filed, and the owners association is the
21 prevailing party, any judgment obtained against the defaulting
22 owners or members shall supersede the lien and any amounts owed
23 pursuant to the judgment, including attorney fees, may be collected
24

1 on by the owners association in any manner provided by law for the
2 collection of judgments.

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

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

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

1 2. After the third anniversary of the filing of a judgment lien
2 pursuant to paragraph 3 of subsection D of this section, if there
3 are amounts still owed by the owners association, the lien or
4 judgment lien may be foreclosed in any manner provided by law for
5 the foreclosure of mortgages or deeds of trust, with or without a
6 power of sale.

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

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

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13 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 03/06/2025 - DO PASS,
14 As Amended.
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