

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 SENATE BILL 775

By: Seifried

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5
6 AS INTRODUCED

7 An Act relating to condemnation proceedings; amending
8 27 O.S. 2021, Section 11, which relates to
9 reimbursement of expenses when property is not
10 acquired; modifying requirements for reimbursement of
11 certain fees; amending 66 O.S. 2021, Section 55,
which relates to review of commissioners' report;
12 modifying requirements for reimbursement of certain
13 fees; updating statutory language; making language
14 gender neutral; and providing an effective date.

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

16 SECTION 1. AMENDATORY 27 O.S. 2021, Section 11, is
17 amended to read as follows:

18 Section 11. Where a condemnation proceeding is instituted by
19 any person, agency or other entity to acquire real property for use
20 as provided in Section 9 of this title and:

21 1. The final judgment is that the real property cannot be
22 acquired by condemnation;

23 2. The proceeding is abandoned; or

24 3. If the award of the jury exceeds the greater of the award of
the court-appointed commissioners by at least ten percent (10%) or

1 the last written offer of just compensation served on the owner by
2 the condemning authority no later than forty-five (45) days after
3 the commissioners' report has been filed, the owner of any right,
4 title or interest in such real property may be paid such sum as in
5 the opinion of the court will reimburse such owner for his
6 reasonable attorney, appraisal and engineering fees, actually
7 incurred by written contract because of the condemnation
8 proceedings. Such determination by the court shall be appealable to
9 the Supreme Court in the same manner as any other final order. The
10 final award of such sums will be paid by the person, agency or other
11 entity which sought to condemn the property.

12 SECTION 2. AMENDATORY 66 O.S. 2021, Section 55, is
13 amended to read as follows:

14 Section 55. ~~(A)~~ A. The report of the commissioners may be
15 reviewed by the district court, on written exceptions filed by
16 either party, in the clerk's office within thirty (30) days after
17 the filing of such report; and the court shall make such order
18 therein as right and justice may require, either by confirmation,
19 rejection or by ordering a new appraisement on good cause shown; or
20 either party may within sixty (60) days after the filing of such
21 report file with the clerk a written demand for a trial by jury, in
22 which case the amount of damages shall be assessed by a jury, and
23 the trial shall be conducted and judgment entered in the same manner
24 as civil actions in the district court. If the party demanding such

1 trial does not recover a verdict more favorable to ~~him~~ such party
2 than the assessment of the commissioners, all costs in the district
3 court may be taxed against ~~him~~ such party.

4 ~~(B)~~ B. Within ten (10) days after the report of commissioners
5 is filed, the court clerk shall forward to the attorney of record
6 for the condemnor, the attorney of record for each condemnee, and to
7 all unrepresented condemnees, a copy of the commissioners' report
8 and a notice stating the time limits for filing an exception or
9 demand for jury trial as specified in ~~paragraph (A)~~ subsection A of
10 this section. This notice shall be on a form prepared by the Court
11 Administrator, which shall be approved by the Supreme Court, and
12 shall be distributed to all clerks of the district court by ~~said~~ the
13 Court Administrator. If a party has been served by publication, the
14 clerk shall forward a copy of the report of commissioners and notice
15 of time limits for filing an exception or demand for jury trial to
16 the last-known mailing address, if any, and shall cause a copy of
17 the notice of time limits to be published in one (1) issue of a
18 newspaper qualified to publish legal notices, as defined in Section
19 106 of Title 25 of the Oklahoma Statutes. After issuing the notices
20 provided herein, the court clerk shall endorse on the notice form
21 filed in the case, the date and that a copy of the report together
22 with the notice was mailed to each party or his or her

23 attorney of record, or the date the notice was published in
24 compliance with the provisions hereof.

1 ~~(C)~~ C. The time limits for filing an exception and demand for
2 jury trial, as prescribed in ~~paragraph (A)~~ subsection A of this
3 section, shall be calculated from the date the report of the
4 commissioners is filed in the case. On failure of the court clerk
5 to give notice within the time prescribed in ~~paragraph (B)~~
6 subsection B of this section, the court, on application of any
7 party, may extend the time for filing an exception to the report or
8 a demand for trial by jury for a period not to exceed twenty (20)
9 days from the date the application is heard.

10 ~~(D)~~ D. Where the party instituting a condemnation proceeding
11 abandons such proceeding, or where the final judgment is that the
12 real property cannot be acquired by condemnation or if the award of
13 the jury exceeds the award of the court-appointed commissioners by
14 at least ten percent (10%) or exceeds the last written offer of just
15 compensation served on the owner by the condemning authority no
16 later than forty-five (45) days after the commissioners' report has
17 been filed, whichever is greater, then the owner of any right, title
18 or interest in the property involved may be paid such sum as in the
19 opinion of the court will reimburse such owner for his reasonable
20 attorney, appraisal, engineering, and expert witness fees actually
21 incurred by written contract because of the condemnation proceeding.
22 The sum awarded shall be paid by the party instituting the
23 condemnation proceeding.

24 SECTION 3. This act shall become effective July 1, 2025.

1 SECTION 4. It being immediately necessary for the preservation
2 of the public peace, health or safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

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