

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 976

By: Murdock

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5  
6 AS INTRODUCED

7 An Act relating to sheriff's sales; amending 12 O.S.  
8 2011, Section 757, which relates to notice of sale of  
9 chattels; modifying requirements for publication of  
certain notice; updating statutory reference; and  
providing an effective date.

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

12 SECTION 1. AMENDATORY 12 O.S. 2011, Section 757, is  
13 amended to read as follows:

14 Section 757. A. 1. No goods or chattels levied upon by an  
15 officer pursuant to an execution issued by a court of record shall  
16 be sold unless the party causing the execution to be issued:

- 17 a. causes a written notice of sale executed by the  
18 sheriff describing the goods or chattels subject to  
19 sale and stating the date, time and place where the  
20 sale shall occur to be mailed, by first class mail,  
21 postage prepaid, to the judgment debtor, any holder of  
22 record of an interest in the property, and all other  
23 persons of whom the party causing the execution to be  
24 issued has notice who claim a lien or any interest in

1 the goods or chattels, at least ten (10) days prior to  
2 the date of the sale, if the names and actual  
3 addresses of such persons are known, and

4 b. causes public notice to be given of the date, time and  
5 place of sale, for at least ten (10) days before the  
6 day of sale. The notice shall be executed by the  
7 sheriff and shall state the name of any person having  
8 an interest in the property whose actual address is  
9 unknown, and shall designate the person or persons  
10 whose unknown successors are being notified. The  
11 notice shall be given by advertisement, published in  
12 ~~some~~ a newspaper published in the county, ~~or, in case~~  
13 ~~no newspaper be published therein, by setting up~~  
14 ~~advertisements in five public places in the county.~~  
15 ~~Two advertisements shall be put up in the township~~  
16 ~~where the sale is to be held~~ placed on the official  
17 website of a newspaper or an official government  
18 website, and

19 c. files in the case an affidavit of proof of mailing and  
20 of publication or posting;

21 2. A written notice of sale executed prior to ~~the effective~~  
22 ~~date of this act~~ November 1, 1987, by the party causing the  
23 execution to be issued but otherwise conforming to the provisions of  
24 this section shall, for all purposes, be deemed valid.

1 B. 1. If a purchaser other than the party causing the  
2 execution to be issued, when required by the sheriff, fails to post  
3 cash or certified funds equal to ten percent (10%) of the amount bid  
4 for the property within twenty-four (24) hours of the sale,  
5 excluding Sundays and legal holidays, or otherwise fails to complete  
6 the sale, the sheriff may proceed with the sale and may accept the  
7 next highest bid.

8 2. When goods and chattels levied upon cannot be sold for want  
9 of bidders, the officer making such return shall affix a true and  
10 correct inventory of such goods and chattels to the execution, and  
11 the party causing such execution to be issued may thereupon sue out  
12 another writ of execution, directing the sale of the property levied  
13 upon as provided for in this section.

14 SECTION 2. This act shall become effective November 1, 2021.

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