

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

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

4 COMMITTEE SUBSTITUTE
FOR ENGROSSED
5 SENATE BILL NO. 747

By: Reinhardt of the Senate

6 and

7 Harris of the House

8

9 COMMITTEE SUBSTITUTE

10 An Act relating to sheriff auctions; amending 12 O.S.
11 2021, Sections 757, as amended by Section 1, Chapter
12 326, O.S.L. 2022, 764, and 765, as amended by Section
13 2, Chapter 326, O.S.L. 2022 (12 O.S. Supp. 2024,
14 Sections 757 and 765), which relate to levy and
15 proceedings; adding certain notice requirements for
16 online auctions; updating statutory language;
17 updating statutory references; making language gender
18 neutral; permitting sheriffs to utilize online
19 auctions; modifying certain language relating to
online auctions for goods and chattels; prohibiting
charging of buyer's premium; authorizing certain use
of online auction marketplace; prohibiting purchases
by certain individuals; requiring certain
nonelectronic option for bidders; allowing for
reasonable terms of service or use; allowing for
certain collection of payments; allowing for certain
fees for online auction marketplaces; providing for
codification; and declaring an emergency.

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

1 SECTION 1. AMENDATORY 12 O.S. 2021, Section 757, as
2 amended by Section 1, Chapter 326, O.S.L. 2022 (12 O.S. Supp. 2024,
3 Section 757), is amended to read as follows:

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

- 7 a. causes a written notice of sale executed by the
8 sheriff describing the goods or chattels subject to
9 sale and stating the date, time, and place where the
10 sale shall occur and, if the sale is to utilize an
11 online auction marketplace, stating the sale will be
12 conducted through an online auction marketplace, the
13 Internet address where bids may be entered, the date
14 of the sale, and the time when bidding is scheduled to
15 be open, to be mailed, by first class first-class
16 mail, postage prepaid, to the judgment debtor, any
17 holder of record of an interest in the property, and
18 all other persons of whom the party causing the
19 execution to be issued has notice who claim a lien or
20 any interest in the goods or chattels, at least ten
21 (10) days prior to the date of the sale, if the names
22 and actual addresses of such persons are known, and
23 b. causes public notice to be given of the date, time and
24 place of sale, for at least ten (10) days before the

1 day of sale. The notice shall be executed by the
2 sheriff and shall state the name of any person having
3 an interest in the property whose actual address is
4 unknown, and shall designate the person or persons
5 whose unknown successors are being notified. The
6 notice shall be given by advertisement, published in
7 some newspaper published in the county, or, in case no
8 newspaper ~~be~~ is published therein, by setting up
9 advertisements in five public places in the county.

10 Two advertisements shall be put up in the township
11 where the sale is to be held, and

12 c. files in the case an affidavit of proof of mailing and
13 of publication or posting.

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

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

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

7 C. The sheriff may determine whether the sale provided for in
8 this section shall utilize an online auction marketplace. All sales
9 of goods and chattels ~~may be~~ conducted by ~~public auction through the~~
10 ~~Internet or other electronic means pursuant to this section. For a~~
11 ~~public auction held by Internet or other electronic means, place may~~
12 ~~include the Internet website of an online auction marketplace~~
13 ~~selected by the sheriff to host and conduct the sheriff's sale of~~
14 ~~goods and chattels a sheriff utilizing an online auction marketplace~~
15 shall be conducted in accordance with the provisions of Section 4 of
16 this act.

17 D. ~~No sheriff nor other officer conducting the sale of such~~
18 ~~property, nor any appraiser or online auction marketplace, shall~~
19 ~~either directly or indirectly purchase the same; and every purchase~~
20 ~~so made shall be considered fraudulent and void. If the online~~
21 ~~auction marketplace is a corporation, limited liability company,~~
22 ~~limited liability partnership, or partnership, the foregoing~~
23 ~~restriction shall apply to any director, officer, employee, managing~~
24 ~~member, or partner of such appraiser or online auction marketplace.~~

1 E. In the case of a sale by a sheriff conducted through an
2 online auction marketplace, the online auction marketplace may
3 collect deposits and payments by wire transfer, electronic funds
4 transfer, or cashier's check from a registered bidder, settle the
5 transaction, and then remit payment of the purchase price to the
6 court clerk as directed by the sheriff.

7 SECTION 2. AMENDATORY 12 O.S. 2021, Section 764, is
8 amended to read as follows:

9 Section 764. A. Lands and tenements taken on execution shall
10 not be sold unless the party causing the execution to be issued:

11 1. Causes a written notice of sale executed by the sheriff
12 containing the legal description of the property to be sold and
13 stating the date, time, and place where the property will be sold
14 and, if the sale is to utilize an online sale marketplace, stating
15 the sale will be conducted through an online auction marketplace,
16 the Internet address where bids may be entered, the date of the
17 sale, and the time when bidding is scheduled to be open, to be
18 mailed, by first class first-class mail, postage prepaid, to the
19 judgment debtor, any holder of interest of record in the property to
20 be sold whose interest is sought to be extinguished, and all other
21 persons of whom the party causing the execution to be issued has
22 notice who claim a lien or any interest in the property whose
23 interest is sought to be extinguished, at least ten (10) days prior

1 to the date of the sale, if the names and addresses of such persons
2 are known; and

3 2. Causes public notice of the date, time and place of sale to
4 be given by publication for two (2) successive weeks in a newspaper
5 published in the county in which the property to be sold is
6 situated, or in case no newspaper ~~be~~ is published in such county,
7 then in a newspaper of general circulation therein and by putting up
8 an advertisement upon the courthouse door and in five other public
9 places in such county, two of which shall be in the township where
10 such lands and tenements lie; provided, that in counties now having
11 a population of one hundred ten thousand (110,000) or more according
12 to the last Federal Decennial Census, the advertisement shall be
13 published in some newspaper published in the city or township where
14 ~~said~~ such lands and tenements lie, or if there ~~be~~ is no newspaper in
15 such city or township, then in some newspaper published in the
16 county. Notice shall be executed by the sheriff and state the name
17 of any person having an interest in the property to be sold whose
18 interest is sought to be extinguished and whose actual address is
19 unknown, and shall designate the person or persons whose unknown
20 successors are being notified; and

21 3. Files in the case an affidavit of proof of mailing and of
22 publication or posting.

23 B. A written notice of sale executed prior to ~~the effective~~
24 ~~date of this act~~ November 1, 1987, by the party causing the

1 execution to be issued but otherwise conforming to the provisions of
2 this section shall, for all purposes, be deemed valid.

3 C. Such sale shall not be held less than thirty (30) days after
4 the date of first publication of the notice required in paragraph 2
5 of subsection A of this section. If a purchaser other than the
6 party causing the execution to be issued, when required by the
7 sheriff, fails to post cash or certified funds equal to ten percent
8 (10%) of the amount bid for the property within twenty-four (24)
9 hours of the sale, excluding Sundays and legal holidays, or
10 otherwise fails to complete the sale, the sheriff may accept the
11 next highest bid. Except as otherwise provided for in subsection B
12 of this section, sales for which the provisions of subsection A of
13 this section have not been complied with shall be set aside on
14 motion by the court to which the execution is returnable.

15 D. The sheriff may determine whether the sale provided for in
16 this section shall utilize an online auction marketplace. All sales
17 of lands and tenements conducted by a sheriff utilizing an online
18 auction marketplace shall be conducted in accordance with the
19 provisions of Section 4 of this act.

20 SECTION 3. AMENDATORY 12 O.S. 2021, Section 765, as
21 amended by Section 2, Chapter 326, O.S.L. 2022 (12 O.S. Supp. 2024,
22 Section 765), is amended to read as follows:

1 Section 765. A. Upon the return of any writ of execution for
2 the satisfaction of which any lands or tenements have been sold, the
3 party causing the execution to be issued shall:

4 1. Cause a written notice of hearing on the confirmation of the
5 sale to be mailed, by ~~first class~~ first-class mail, postage prepaid,
6 to all persons to whom mailing of the notice of the execution of
7 sale was required to be made pursuant to Section 764 of this title
8 and to the high bidder at such sale, at least ten (10) days before
9 the hearing on the confirmation of the sale, and if the name or
10 address of any such person is unknown, shall cause a notice of the
11 hearing on the confirmation of the sale to be published in a
12 newspaper authorized by law to publish legal notices in the county
13 in which the property is situated. If no newspaper authorized by
14 law to publish legal notices is published in such county, the notice
15 shall be published in some such newspaper of general circulation
16 which is published in an adjoining county. The notice shall state
17 the name of any person being so notified and shall be published once
18 at least ten (10) days prior to the date of the hearing on the
19 confirmation of the sale; and

20 2. Files in the case an affidavit of proof of mailing, and if
21 required, of publication.

22 B. Any person filing a written objection to the confirmation of
23 the sale shall cause a copy of such written objection to be mailed,
24 prior to the hearing on the confirmation of the sale, by ~~first class~~

1 first-class mail, postage prepaid, to all persons to whom mailing of
2 the notice of the hearing on the confirmation of the sale was
3 required to be made pursuant to this section. The court may
4 continue the hearing or make such other orders as are necessary to
5 allow the interested persons to adequately support or oppose any
6 such objections to the confirmation of the sale. If the court,
7 after having carefully examined the proceedings of the officer, is
8 satisfied that the sale has, in all respects, been made in
9 conformity with the provisions of this article section, the court
10 shall direct the clerk to make an entry on the journal that the
11 court is satisfied of the legality of such sale and shall order that
12 the officer make to the purchaser a deed for such lands and
13 tenements; and the officer, on making such sale, shall deposit the
14 purchase money with the clerk of the court from which said the writ
15 of execution issued, where same shall remain until the court shall
16 have examined his or her proceedings as aforesaid, when said the
17 clerk of the court shall pay the same to the person entitled
18 thereto, agreeable to the order of the court. In the case of a sale
19 by a sheriff conducted through an online auction marketplace, the
20 online auction marketplace may collect and hold deposits and
21 additional purchase money payments up to the full amount of the
22 winning bid, settle the transaction, and then remit payment of the
23 purchase money to the court clerk as directed by the sheriff or the
24 court. Any No buyer's premium shall be charged to a buyer for

1 ~~online auction marketplace services rendered to the buyer shall not~~
2 ~~be considered purchase price provided that the buyer's premium is~~
3 ~~disclosed in advance in the listing on any sale.~~

4 SECTION 4. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 776 of Title 12, unless there is
6 created a duplication in numbering, reads as follows:

7 A. In accordance with the provisions of Section 751 et seq. of
8 Title 12 of the Oklahoma Statutes, sheriffs may conduct the sale of
9 goods, chattels, or lands and tenements utilizing an online auction
10 marketplace.

11 B. No sheriff or other officer conducting the sale of property
12 or any appraiser or online auction marketplace, including any
13 affiliation with a corporation, limited liability company, limited
14 liability partnership, partnership, or other business entity, shall
15 either directly or indirectly purchase the property; any such
16 purchase shall be considered fraudulent and void. The prohibition
17 of this subsection shall also apply to those related by affinity or
18 consanguinity within the third degree. If the appraiser or online
19 auction marketplace is a corporation, limited liability company,
20 limited liability partnership, partnership, or other business
21 entity, such prohibition shall apply to any director, officer,
22 employee, managing member, or partner of such appraiser or online
23 auction marketplace.

1 C. If an online auction marketplace is used pursuant to this
2 section, the online auction marketplace shall provide a
3 nonelectronic option for bidders.

4 D. The online auction marketplace may require bidders to agree
5 to reasonable terms of service or use. Any such terms of service or
6 use shall provide that the terms of service or use are subject to
7 the laws and jurisdiction of this state.

8 E. The online auction marketplace may collect deposits and
9 payments by wire transfer, electronic funds transfer, or cashier's
10 check from a registered bidder; and remit payment of the purchase
11 price to the court clerk as directed by the sheriff but in no case
12 more than five (5) business days following the completion of the
13 sale.

14 F. In accordance with the provisions of Section 765 of Title 12
15 of the Oklahoma Statutes, no buyer's premium shall be charged to a
16 buyer on any sale conducted by a sheriff, or other officer,
17 utilizing an online auction marketplace. The fee charged and all
18 costs incurred by the online auction marketplace shall be assessed
19 as costs not to exceed Four Hundred Twenty-five Dollars (\$425.00)
20 per confirmed sale.

21 SECTION 5. It being immediately necessary for the preservation
22 of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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4 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY
OVERSIGHT, dated 04/17/2025 - DO PASS, As Amended.