



Oklahoma Statutes Citationized

Title 60. Property

Chapter 3 - Alien Ownership of Land

Section 127 - Trial and Judgment

Cite as: O.S. §. ___

If it shall be determined upon the trial of any such escheat proceedings that lands are held contrary to the provisions of this article, or the Constitution of this state, the court trying said cause shall render judgment condemning such lands, and order the same to be sold under the order of court, at such time, terms, and conditions as to the court may seem best; the proceeds of such sale after deducting the cost of the proceeding, shall be paid to the clerk of the court rendering the judgment where the same shall remain for one (1) year from the date of such payment, subject to the order of the alien owner of such lands, his heirs and legal representatives, and if not claimed within the period of one (1) year, such clerk shall pay the same into the treasury of the state for the benefit of the available school fund of the State: Provided, that when any money shall have been paid to the State Treasurer as hereinabove provided, an alien or his heirs may procure the same to be returned by applying for and procuring an order from the court condemning the property showing that such judgment escheating said property was procured by fraud, or mistake, or that there was material irregularity in the proceedings; this application, however, must be made within two (2) years from the date such monies were turned over into the State Treasury; and in no event shall the state be liable or called on to refund any further sum than the actual cash transmitted and delivered to such Treasurer: Provided, further, that the defendant in such escheat proceedings may at any time before final judgment suggest and prove to the court, that he has conformed to, or complied with the law, under and by which they will be entitled to hold such estate; which, it being admitted or proved, said suit shall be dismissed on payment by defendant of the costs and reasonable attorney's fees, to be fixed by the court.

Historical Data

R.L. 1910, § 6652.