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Oklahoma Process Serving | NAPPS #14801

How to Serve an Eviction Notice

In Oklahoma

Forcible Entry and Detainer (FED)

A step-by-step guide to serving eviction notices

following Oklahoma law

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Overview

This guide explains how to serve an eviction notice in Oklahoma. An eviction case is called a Forcible Entry and Detainer action, or FED for short.

Oklahoma law sets specific rules for how eviction notices must be served. If you do not follow these rules, the court may dismiss your case or delay the eviction.

Key Oklahoma laws that govern eviction notice service include:

- Title 41, Section 111(E) - How written notice to terminate tenancy must be served
- Title 41, Sections 132(C) and (D) - Immediate termination for criminal activity
- Title 12, Section 2004 - General service methods for court papers
- Title 12, Section 1148.4 - When the trial must be scheduled
- Title 12, Section 1148.5 - How many days before trial the summons must be served
- Title 12, Section 1148.5A - Constructive service rules and limits

In 2025, Oklahoma passed Senate Bill 128. This law changed some deadlines. This guide includes those changes.

Required Documents Checklist

Before you serve an eviction notice, gather all the documents you need. Use this checklist to make sure you have everything.

	Document / Task	Status
<input type="checkbox"/>	Written notice to terminate tenancy (properly drafted)	<i>Required</i>
<input type="checkbox"/>	Forcible Entry and Detainer (FED) Petition	<i>Required</i>
<input type="checkbox"/>	Summons issued by court clerk	<i>Required</i>
<input type="checkbox"/>	Proof of service affidavit form	<i>Required</i>
<input type="checkbox"/>	Copy of rental agreement (if available)	<i>Recommended</i>

Document / Task	Status
<input type="checkbox"/> Rent ledger or payment records	<i>Recommended</i>
<input type="checkbox"/> Photo documentation of property condition	<i>Recommended</i>
<input type="checkbox"/> Tenant contact information and last-known address	<i>Required</i>
<input type="checkbox"/> Return receipt for certified mail (if used)	<i>If applicable</i>
<input type="checkbox"/> Photo of posted notice (if used)	<i>If applicable</i>

Verify with the court that all your forms are current. Court forms can change.

Notice Timeline

Oklahoma law requires different notice periods depending on why the tenant is being evicted. The table below shows each type of notice and how much time the tenant gets.

Reason for Eviction	Notice	Law	Notes
Nonpayment of rent	5 days	41 O.S. §131(B)	Tenant can pay and stay
Holdover (lease expired)	10 days	41 O.S. §111	Tenant must vacate
Forcible entry	5 days	41 O.S. §111	Tenant entered by force
Breach of lease	15 days	41 O.S. §132(A)	Tenant can fix the breach
Criminal activity	Immediate	41 O.S. §132(C)(D)	No advance notice needed
Drug-related activity	Immediate	41 O.S. §132(D)	Landlord may file FED at once

Source: 41 O.S. Section 111 and related statutes. Verify current deadlines with the court clerk.

For immediate termination under Section 132(C) or (D), the landlord can file the FED action right away. No advance notice is needed when criminal activity threatens health, safety, or peaceful enjoyment.

Service Methods Compared

Oklahoma law gives landlords several ways to serve eviction notices. The method you choose affects what the court can do if the tenant does not show up.

Method	How It Works	Best For	Caution
Personal	Hand notice directly to tenant	Tenant is easy to find	Best option; most

Method	How It Works	Best For	Caution
			reliable
Substituted	Leave with family member age 12+ who lives with tenant	Tenant is not home but family is	Must be same household; record name
Posting + Certified Mail	Post notice on dwelling; mail certified copy	Cannot find tenant or family	Verify with court clerk before using
Certified Mail Only	Send by certified mail with return receipt	Tenant accepts mail	Not valid for all notice types

Important Warning About Constructive Service

If you use constructive service under 12 O.S. Section 1148.5A, the court can only order the tenant to leave the property. The court cannot order the tenant to pay back rent, damages, or any other money.

Quote from the law: "Such service shall confer no jurisdiction upon the court to render any judgment against the defendant for the payment of money nor for any relief other than the restoration of possession of the premises to the claimant, unless the defendant appears at trial."

Step-by-Step Procedure

Follow these steps in order to serve an eviction notice correctly in Oklahoma.

Step	Action
1	Draft the written notice. State the reason for eviction clearly. Include the tenant's name, property address, and the deadline to fix the problem or leave.
2	Choose the correct notice period. Check the timeline table above. Count calendar days, not business days.
3	Make enough copies. You need one copy for the tenant, one for your records, and extras in case service fails.
4	Serve the notice using one of the approved methods. Personal service is best. Get a photo or witness if possible.
5	If serving personally, hand the notice to the tenant. If the tenant refuses it, leave it on the ground near them. Note what happened.
6	If the tenant cannot be found, try substituted service. Leave the notice with a family member

Step	Action
	age 12 or older who lives with the tenant. Write down their name.
7	If no one is home, post the notice on the dwelling in a visible spot. Take a photo. Mail a copy by certified mail with return receipt requested.
8	Wait for the notice period to end. The tenant has the full number of days to pay rent, fix the problem, or leave.
9	If the tenant does not leave, file a Forcible Entry and Detainer (FED) petition with the court clerk.
10	Request a summons from the clerk. The clerk will issue it. The trial must be 5 to 15 days after issuance (5-10 days for emergency cases).
11	Have the summons and petition served on the tenant. Service must be at least 7 days before trial (3 days for emergency cases under SB 128).
12	File the proof of service affidavit with the court clerk. Do this promptly after service is complete.
13	Attend the trial. Bring all evidence: lease, rent records, photos, and proof of service.

Why Service Fails

Many eviction cases get delayed or dismissed because of service errors. The table below shows the most common mistakes and how to avoid them.

Common Mistake	Why It Fails	How to Fix It
Wrong notice period	Tenant gets more time; case delayed	Count calendar days; check the law
Serving a minor	Service is not valid	Serve tenant or family member age 12+
No proof of service	Court cannot verify service happened	Get a signed affidavit; keep receipts
Missing the deadline	Case may be dismissed	Serve at least 7 days before trial
Wrong method for case type	Service ruled invalid	Use personal service when possible
Incomplete notice	Tenant may not understand demand	Include all required details
Serving on tribal land	Tribal courts may not recognize service	Contact tribal court clerk first

Important Notes and Limitations

2025 SB 128 Amendments

Senate Bill 128, passed in 2025, made these changes to FED procedures:

- Trial can now be scheduled up to 15 days after summons issuance (was 10 days maximum)
- Service must be made at least 7 days before trial for most cases (was 3 days)
- Emergency cases under Section 132(C) and (D) still use the old rules: 3 days service, 5-10 day trial

Constructive Service Limits

If you serve by posting and certified mail under Section 1148.5A, you can only get the property back. You cannot get a money judgment for unpaid rent or damages unless the tenant actually comes to court.

Who Can Serve

Under 12 O.S. Section 2004, service can be made by:

- A sheriff or deputy sheriff
- A licensed private process server
- Any person specially appointed by the court

Proof of Service

After service is complete, the server must make proof of service promptly. The proof must include:

- The county where the summons was issued
- The name of the person served
- The date of service
- The place of service
- The method of service

A licensed process server must make an affidavit. This is a sworn statement. File it with the court clerk.

Disclaimer

Not a Law Firm

This document provides procedural information only. It is not legal advice. Just Legal Solutions is not a law firm. We do not provide legal counsel, represent clients in court, or offer opinions on legal strategy.

The information in this guide comes from Oklahoma statutes and court rules as of the date shown below. Laws change. Court rules change. Always verify current requirements with the court clerk or a licensed attorney before taking action.

If you need legal advice, contact a licensed Oklahoma attorney. The Oklahoma Bar Association can help you find one.

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Verify before relying on procedural details

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Sources: CITATIONS.json | justlegalsolutions.org

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