



Landlord's Guide to Eviction Service in Oklahoma

A Step-by-Step Guide for Properly Serving
Eviction Notices and Court Documents



Just Legal Solutions

(539) 367-6832 | info@JustLegalSolutions.org

justlegalsolutions.org | Joseph Iannazzi, NAPPS #14801

v1.0 | 2026-04-20 | Review by: 2026-10-20

Table of Contents

Required Documents Checklist.....	
Notice Types and Timelines.....	
Service Methods Compared.....	
Step-by-Step Procedure.....	
Who Can Serve Eviction Papers.....	
Step 1: Draft the Notice.....	
Step 2: Serve the Notice.....	
Step 3: Wait for the Notice Period.....	
Step 4: File the FED Petition.....	
Step 5: Serve the FED Summons.....	
Step 6: Attend the Trial.....	
Common Service Mistakes.....	
What Landlords Cannot Do.....	
Special Situations.....	
Important Reminders.....	

Required Documents Checklist

Before you start the eviction process, gather these documents. You will need them at different stages.

Document	When You Need It
<input type="checkbox"/> Written lease or rental agreement	Always (if you have one)
<input type="checkbox"/> Notice to Quit / Notice to Pay Rent	Before filing any court case
<input type="checkbox"/> FED (Forcible Entry and Detainer) petition	When you file with the court
<input type="checkbox"/> Summons issued by court clerk	After filing the petition
<input type="checkbox"/> Proof of service / affidavit of service	After each service attempt
<input type="checkbox"/> Certificate of service on all filings	With every document filed
<input type="checkbox"/> SCRA military affidavit (for default judgment)	Before a default judgment

Keep copies of everything. The court will want proof that you followed the rules at every step.

Notice Types and Timelines

Oklahoma law requires different notice periods depending on why you are ending the tenancy. Title 41 sets these rules.

Notice Type	When It Applies	Time Given to Tenant
5-Day Notice	Forcible entry or detainer without legal right	5 days to leave the property
10-Day Notice	Holdover tenancy after lease ends	10 days to vacate
15-Day Notice	Rent nonpayment or lease violation	15 days to pay rent or fix the problem
30-Day Notice	Month-to-month termination (no cause)	30 days to vacate
Immediate	Criminal activity or drug-related activity per 41 O.S. §132	No advance notice; FED can be filed right away

Important: For the 15-day notice for nonpayment, the tenant can stop the eviction by paying all rent owed within the 15-day period.

2025 Changes Under SB 128

Senate Bill 128 (2025) made important changes to eviction timelines:

What Changed	Old Rule	New Rule (2025)
Time between service and trial	At least 3 days	At least 7 days for non-emergency cases
Trial scheduling window	5 to 10 days after summons	5 to 15 days after summons
Emergency cases (criminal/drug activity)	3 days / 5-10 days	Still 3 days / 5-10 days

These longer timelines give tenants more time to prepare, but they also mean landlords must plan for a longer process.

Service Methods Compared

Title 41 §111(E) and Title 12 §2004 set out how you must serve eviction notices. Each method has its own rules.

Method	Who Can Use It	How It Works
Personal Service	Anyone 18+	Hand the notice directly to the tenant. This is the best method. Write the date of service on the copy you leave with the tenant.
Substituted Service	Anyone 18+	If tenant is not home, leave the notice with a family member age 12+ who lives with the tenant.
Posting + Certified Mail	Anyone 18+	If no tenant or family member can be found, post the notice on the dwelling unit in a visible place. Then mail a copy by certified mail to the tenant's last known address.
Certified Mail Only	Anyone 18+	Send by certified mail, return receipt requested. Service is effective on the date the tenant signs for it or

Method	Who Can Use It	How It Works
--------	----------------	--------------

on the date it is refused.

Best practice: Use personal service first. If that fails, try substituted service. Only use posting and certified mail as a last resort.

Important Warning About Posting Service

Under 12 O.S. §1148.5A, if you serve a FED summons by posting it on the property plus certified mail, the court can only order the tenant to leave. The court cannot order the tenant to pay back rent or any money judgment unless the tenant actually shows up to court.

Who Can Serve Eviction Papers

The law allows these people to serve eviction papers in Oklahoma:

Server Type	Requirements	Notes
Sheriff or Deputy	Elected county officer	Often charges a fee. Check with your county sheriff's office.
Licensed Process Server	Licensed by the court; \$5,000 bond; 18+ years old	Statewide license costs \$150. Listed on the AOC registry.
Any Person Age 18+	Not a party to the case; not a prisoner	Can serve notices but not formal court process without a license.

Note: Under 12 O.S. §2004(C)(7), no prisoner, parolee, or probationer can be appointed to serve process.

Step-by-Step Procedure

Follow these steps carefully. Skipping a step or doing it wrong can delay your case or get it dismissed.

Step 1: Draft the Notice

Write a clear notice that includes:

- The tenant's full name
- The rental property address
- The reason for the notice (nonpayment, lease violation, holdover, etc.)
- The deadline for the tenant to act (pay, fix, or leave)
- Your name and contact information as landlord
- The date you are giving the notice

Use simple language. The tenant must understand what they need to do and by when.

Step 2: Serve the Notice on the Tenant

Follow the service methods from the table above. Remember the priority order:

0. Try personal service first (hand to tenant directly).
1. If tenant is not home, try substituted service (family member 12+).
2. If neither works, use posting plus certified mail.

Write down the date, time, place, and method of service. You will need this later.

Step 3: Wait for the Notice Period to End

Count the days carefully. The notice period does not include the day you serve the notice. It starts the next day.

If the tenant fixes the problem (like paying the rent) within the notice period, you cannot continue with the eviction for that same issue.

Step 4: File the FED Petition with the Court

If the tenant has not fixed the problem or left by the deadline, go to the court clerk's office in the county where the property is located.

Bring:

- The FED petition form
- A copy of the lease (if you have one)

- Your proof of service for the notice
- Filing fee (verify current fee with the court clerk)

The clerk will file your case and issue a summons.

Step 5: Serve the FED Summons

Under 12 O.S. §1148.5, the summons must be served at least 3 days before trial (7 days under SB 128 for non-emergency cases).

Methods for serving FED summons:

- Personal service on the tenant
- Leaving a copy with someone age 15+ who lives on the premises
- Certified mail if personal service cannot be made after reasonable effort
- Posting on the building plus certified mail to last known address (possession only)

The person who serves the summons must fill out a proof of service form (return or affidavit) showing who was served, where, when, and how.

Step 6: Attend the FED Trial

Under 12 O.S. §1148.4, the trial will be set between 5 and 15 days after the summons is issued (5 to 10 days for emergency cases involving criminal or drug activity).

Bring to court:

- The original lease
- All notices and proof of service
- Records of rent payments (or lack thereof)
- Any photos or documents showing lease violations
- A military affidavit if you are seeking a default judgment

If the tenant does not show up, you may be able to get a default judgment. But first you must file an affidavit stating whether the tenant is on active military duty under the Servicemembers Civil Relief Act.

Common Service Mistakes

These are the mistakes landlords make most often. Avoid them to keep your case on track.

Mistake	Why It Hurts You	How to Fix It
Serving the notice yourself as the landlord	Tenant may claim bias or improper service	Have a neutral third party age 18+ serve the notice
Not writing the date of service on the notice	Cannot prove when notice period started	Always write the date on the copy left with the tenant
Using posting + certified mail for money claims	Court cannot award money judgment	Use personal service first if you want rent money
Serving too close to trial date	Case may be continued or dismissed	Serve at least 7 days before trial (SB 128)
Not keeping proof of service	Cannot prove tenant was notified	Always get a signed affidavit or return of service
Accepting partial rent after giving notice	May cancel the notice and restart process	Return partial payment or document it as 'without prejudice'
Wrong notice period	Case dismissed; start over	Check the table: 5/10/15/30 days depending on situation
Not counting days correctly	Case dismissed for early filing	Do not count the day of service; start next day

What Landlords Cannot Do

Oklahoma law prohibits 'self-help' evictions. You must go through the court process. Doing any of these things is illegal:

- Change the locks on the tenant's door
- Shut off utilities (water, electricity, gas)
- Remove the tenant's belongings from the unit
- Threaten or intimidate the tenant

- Block access to the property

If you do any of these things, the tenant can sue you. You may have to pay damages and attorney fees. Always use the court process instead.

Special Situations

Protective Orders

Under 22 O.S. §60.25, if you are seeking a protective order, the court cannot charge you a filing fee or service of process fee. This applies to victims seeking protection from domestic violence, stalking, or harassment.

Note: A protective order is different from an eviction. If you need both, talk to the court clerk about how to handle them together.

Mobile Homes and Landlord-Tenant Act Exemptions

Some rental situations are not covered by the Oklahoma Residential Landlord and Tenant Act. Verify with the court if your situation applies. Common exemptions include some roommate arrangements, transient hotels, and certain employer-provided housing.

Tenants Who Abandon the Property

If a tenant leaves without notice and stops paying rent, you may still need to go through the FED process to get a court order before you can change locks or re-rent the unit. Do not assume the tenant has abandoned the property without evidence.

Important Reminders

Topic	Key Point
Proof of service	The licensed process server must make an affidavit. The return must show county, name of person served, date, place, and method. (12 O.S. §2004(G))

Topic	Key Point
180-day deadline	Service of process must be made within 180 days after filing the petition, or the case may be dismissed. (12 O.S. §2004(I))
Certificate of service	Every paper filed after the petition must include a statement of who was served, and the date, place, and method. (12 O.S. §2005(D))
Amending service	The court can allow you to fix mistakes in your proof of service unless it would unfairly harm the tenant. (12 O.S. §2004(H))
Service by acknowledgment	If the tenant signs the back of the summons acknowledging receipt, that counts as proper service. (12 O.S. §2004(C)(5))
Electronic service	For post-petition papers only, with written consent. Not for original notices or summons.

When in doubt, ask the court clerk or consult a licensed Oklahoma attorney. Each county may have local rules that add extra requirements.

Disclaimer

Important Notice

Not a law firm. This document provides procedural information only. It does not give legal advice and does not create an attorney-client relationship. Laws change and court rules vary by county. Always verify current rules with the court clerk in your county before filing any documents.

All statutory citations are current as of April 2026. Verify before relying on procedural details. The Oklahoma Legislature may have enacted changes since publication.

If you need legal advice about a specific situation, consult a licensed Oklahoma attorney.

Just Legal Solutions	Document Info
Phone: (539) 367-6832	Version: v1.0
Email: info@JustLegalSolutions.org	Date: 2026-04-20
Web: justlegalsolutions.org	Next Review: 2026-10-20
Joseph Iannazzi, NAPPS #14801	