

Part 2 Judgments

78B-5-201 Definitions -- Judgment recorded in Registry of Judgments.

- (1) For purposes of this part, "Registry of Judgments" means the index where a judgment is filed and searchable by the name of the judgment debtor through electronic means or by tangible document.
- (2) On or after July 1, 1997, a judgment entered in a district court does not create a lien upon or affect the title to real property unless the judgment is filed in the Registry of Judgments of the office of the clerk of the district court of the county in which the property is located.
- (3)
 - (a) On or after July 1, 2002, except as provided in Subsection (3)(b), a judgment entered in a district court does not create a lien upon or affect the title to real property unless the judgment or an abstract of judgment is recorded in the office of the county recorder in which the real property of the judgment debtor is located.
 - (b) State agencies are exempt from the recording requirement of Subsection (3)(a).
- (4) In addition to the requirements of Subsections (2) and (3)(a), any judgment that is filed in the Registry of Judgments on or after September 1, 1998, or any judgment or abstract of judgment that is recorded in the office of a county recorder after July 1, 2002, shall include:
 - (a) the information identifying the judgment debtor as required under Subsection (4)(b) on the judgment or abstract of judgment; or
 - (b) a copy of the separate information statement of the judgment creditor that contains:
 - (i) the correct name and last-known address of each judgment debtor and the address at which each judgment debtor received service of process;
 - (ii) the name and address of the judgment creditor;
 - (iii) the amount of the judgment as filed in the Registry of Judgments;
 - (iv) if known, the judgment debtor's Social Security number, date of birth, and driver's license number if a natural person; and
 - (v) whether or not a stay of enforcement has been ordered by the court and the date the stay expires.
- (5) For the information required in Subsection (4), the judgment creditor shall:
 - (a) provide the information on the separate information statement if known or available to the judgment creditor from its records, its attorney's records, or the court records in the action in which the judgment was entered; or
 - (b) state on the separate information statement that the information is unknown or unavailable.
- (6)
 - (a) Any judgment that requires payment of money and is entered in a district court on or after September 1, 1998, or any judgment or abstract of judgment recorded in the office of a county recorder after July 1, 2002, that does not include the debtor identifying information as required in Subsection (4) is not a lien until a separate information statement of the judgment creditor is recorded in the office of a county recorder in compliance with Subsections (4) and (5).
 - (b) The separate information statement of the judgment creditor referred to in Subsection (6)(a) shall include:
 - (i) the name of any judgment creditor, debtor, assignor, or assignee;
 - (ii) the date on which the judgment was recorded in the office of the county recorder as described in Subsection (4); and
 - (iii) the county recorder's entry number and book and page of the recorded judgment.

- (7) A judgment that requires payment of money recorded on or after September 1, 1998, but prior to July 1, 2002, has as its priority the date of entry, except as to parties with actual or constructive knowledge of the judgment.
- (8) A judgment or notice of judgment wrongfully filed against real property is subject to Title 38, Chapter 9, Wrongful Lien Act.
- (9)
 - (a) To release, assign, renew, or extend a lien created by a judgment recorded in the office of a county recorder, a person shall, in the office of the county recorder of each county in which an instrument creating the lien is recorded, record a document releasing, assigning, renewing, or extending the lien.
 - (b) The document described in Subsection (9)(a) shall include:
 - (i) the date of the release, assignment, renewal, or extension;
 - (ii) the name of any judgment creditor, debtor, assignor, or assignee; and
 - (iii) for the county in which the document is recorded in accordance with Subsection (9)(a):
 - (A) the date on which the instrument creating the lien was recorded in that county's office of the county recorder; and
 - (B) in accordance with Section 57-3-106, that county recorder's entry number and book and page of the recorded instrument creating the judgment lien.

Amended by Chapter 114, 2014 General Session

Amended by Chapter 151, 2014 General Session

78B-5-202 Duration of judgment -- Judgment as a lien upon real property -- Abstract of judgment -- Small claims judgment not a lien -- Appeal of judgment -- Child support orders.

- (1) Judgments shall continue for eight years from the date of entry in a court unless previously satisfied or unless enforcement of the judgment is stayed in accordance with law.
- (2) Prior to July 1, 1997, except as limited by Subsections (4) and (5), the entry of judgment by a district court creates a lien upon the real property of the judgment debtor, not exempt from execution, owned or acquired during the existence of the judgment, located in the county in which the judgment is entered.
- (3) An abstract of judgment issued by the court in which the judgment is entered may be filed in any court of this state and shall have the same force and effect as a judgment entered in that court.
- (4) Prior to July 1, 1997, and after May 15, 1998, a judgment entered in the small claims division of any court may not qualify as a lien upon real property unless abstracted to the civil division of the district court and recorded in accordance with Subsection (3).
- (5)
 - (a) If any judgment is appealed, upon deposit with the court where the notice of appeal is filed of cash or other security in a form and amount considered sufficient by the court that rendered the judgment to secure the full amount of the judgment, together with ongoing interest and any other anticipated damages or costs, including attorney fees and costs on appeal, the lien created by the judgment shall be terminated as provided in Subsection (5)(b).
 - (b) Upon the deposit of sufficient security as provided in Subsection (5)(a), the court shall enter an order terminating the lien created by the judgment and granting the judgment creditor a perfected lien in the deposited security as of the date of the original judgment.
- (6)
 - (a) A child support order or a sum certain judgment for past due support may be enforced:
 - (i) within four years after the date the youngest child reaches majority; or

- (ii) eight years from the date of entry of the sum certain judgment entered by a tribunal.
 - (b) The longer period of duration shall apply in every order.
 - (c) A sum certain judgment may be renewed to extend the duration.
- (7)
- (a) After July 1, 2002, a judgment entered by a district court or a justice court in the state becomes a lien upon real property if:
 - (i) the judgment or an abstract of the judgment containing the information identifying the judgment debtor as described in Subsection 78B-5-201(4)(b) is recorded in the office of the county recorder; or
 - (ii) the judgment or an abstract of the judgment and a separate information statement of the judgment creditor as described in Subsection 78B-5-201(5) is recorded in the office of the county recorder.
 - (b) The judgment shall run from the date of entry by the district court or justice court.
 - (c) The real property subject to the lien includes all the real property of the judgment debtor:
 - (i) in the county in which the recording under Subsection (7)(a)(i) or (ii) occurs; and
 - (ii) owned or acquired at any time by the judgment debtor during the time the judgment is effective.
 - (d) State agencies are exempt from the recording requirement of Subsection (7)(a).
- (8)
- (a) A judgment referred to in Subsection (7) shall be entered under the name of the judgment debtor in the judgment index in the office of the county recorder as required in Section 17-21-6.
 - (b) A judgment containing a legal description shall also be abstracted in the appropriate tract index in the office of the county recorder.
- (9)
- (a) To release, assign, renew, or extend a lien created by a judgment recorded in the office of a county recorder, a person shall, in the office of the county recorder of each county in which an instrument creating the lien is recorded, record a document releasing, assigning, renewing, or extending the lien.
 - (b) The document described in Subsection (9)(a) shall include:
 - (i) the date of the release, assignment, renewal, or extension;
 - (ii) the name of any judgment creditor, debtor, assignor, or assignee; and
 - (iii) for the county in which the document is recorded in accordance with Subsection (9)(a):
 - (A) the date on which the instrument creating the lien was recorded in that county's office of the county recorder; and
 - (B) in accordance with Section 57-3-106, that county recorder's entry number and book and page of the recorded instrument creating the judgment lien.

Amended by Chapter 151, 2014 General Session

78B-5-203 Judgment against party dying after verdict or decision.

If a party dies after a verdict or decision upon any issue of fact, and before judgment, the judgment is not a lien on the real property of the deceased party, but is payable in the course of the administration of the party's estate.

Renumbered and Amended by Chapter 3, 2008 General Session

78B-5-204 Judgment against sheriff -- When conclusive against sureties on indemnity bond.

If an action is brought against a sheriff for an act done by virtue of his office and he gives written notice to the sureties on any bond of indemnity received by him, the judgment recovered is conclusive evidence of his right to recover against such sureties. The court may, on motion, and upon five days notice, order judgment to be entered against them for the amount recovered, including costs.

Renumbered and Amended by Chapter 3, 2008 General Session

78B-5-205 Judgment by confession authorized.

A judgment by confession may be entered without action, either for money due or to become due or to secure any person against contingent liability on behalf of the defendant, or both, in the manner prescribed by law. The judgment may be entered in any court having jurisdiction for like amounts.

Renumbered and Amended by Chapter 3, 2008 General Session

78B-5-206 Mileage allowance for judgment debtor required to appear.

A judgment debtor legally required to appear before a district court or a master to answer concerning the debtor's property is entitled, on a sufficient showing of need, to mileage of 15 cents per mile for each mile actually and necessarily traveled in going only, to be paid by the judgment creditor at whose instance the judgment debtor was required to appear. The judgment creditor is not required to make any payment for such mileage until the judgment debtor has actually appeared before the court or master.

Renumbered and Amended by Chapter 3, 2008 General Session