

Superseded 5/13/2014

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) 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.