

FILING WRONGFUL LIENS OR JUDGEMENTS

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Margaret Dayton

This act provides a cross reference to the wrongful lien statute for guidance in correcting a wrongful lien or judgment lien.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

78-22-1.5, as last amended by Chapter 327, Laws of Utah 1998

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **78-22-1.5** is amended to read:

78-22-1.5. Definitions -- Judgment recorded in Registry of Judgments -- Wrongful liens.

(1) For purposes of this section, "Registry of Judgments" means the index where a judgment shall be recorded 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 rendered or recorded in a district court does not create a lien upon or affect the title to real property unless the judgment is recorded 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) In addition to the requirement of Subsection (2), any judgment that is recorded in the Registry of Judgments on or after September 1, 1998, shall include a separate information statement of the judgment creditor that contains:

(a) the correct name and last-known address of each judgment debtor and the address at which each judgment debtor received service of process;

(b) the name and address of the judgment creditor;

(c) the amount of the judgment as entered in the Registry of Judgments;

(d) if known, the judgment debtor's social security number, date of birth, and driver's license number if a natural person; and

(e) whether or not a stay of enforcement has been ordered by the court and the date the stay expires.

(4) For the information required in Subsection (3), 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 judgement was entered; or

(b) state on the separate information statement that the information is unknown or unavailable.

(5) (a) Any judgment that requires payment of money and is recorded on or after September 1, 1998, and is not accompanied by the separate information statement as required in Subsections (3) and (4) may be amended by recording a document entitled "Amendment to Recorded Judgment" in the Registry of Judgments in compliance with Subsections (3) and (4).

(b) The amendment to the recorded judgment shall state the date of recording the original judgment in the Registry of Judgments.

(c) Recording an amendment to a recorded judgment has no effect on the computation of time as provided in Section 78-22-1.

(6) A judgment that requires payment of money recorded on or after September 1, 1998, has as its priority the date of compliance with Subsections (3) and (4), except as to parties with actual or constructive knowledge of the judgment.

(7) A judgment or notice of judgment wrongfully filed against real property is subject to Title 38, Chapter 9, Wrongful Liens.