

Judgment Renewal Modifications

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: Anthony E. Loubet

LONG TITLE**General Description:**

This bill modifies provisions of the Judgment Renewal Act and provisions relating to entering and renewing a judgment.

Highlighted Provisions:

This bill:

- modifies statute of limitations provisions to provide that a statute of limitations runs from the date of renewal of a judgment, not only from the original date of a judgment;
- provides that a renewal of a judgment maintains the date of the original judgment, maintains the priority of collection of the original judgment, and unless specifically excepted, resets any time limitation for action upon the judgment;
- provides that a judgment may be renewed multiple times; and
- makes conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78B-2-311, as renumbered and amended by Laws of Utah 2008, Chapter 3

78B-5-202, as last amended by Laws of Utah 2023, Chapter 401

78B-6-1802, as enacted by Laws of Utah 2011, Chapter 22

78B-6-1804, as enacted by Laws of Utah 2011, Chapter 22

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

Section 1. Section **78B-2-311** is amended to read:

78B-2-311 . Eight years.

An action may be brought within eight years upon the date of:

- 31 (1) entry of a judgment or decree of any court of the United States, or of any state or
32 territory within the United States[-] ; or
- 33 (2) renewal of a judgment described in Subsection (1) according to the procedures and
34 requirements of Title 78B, Chapter 6, Part 18, Renewal of Judgment Act.
- 35 Section 2. Section **78B-5-202** is amended to read:
- 36 **78B-5-202 . Duration of judgment -- Judgment as a lien upon real property --**
37 **Abstract of judgment -- Small claims judgment not a lien -- Appeal of judgment -- Child**
38 **support orders.**
- 39 (1)(a) Judgments shall continue for eight years from the date of entry in a court unless
40 previously satisfied, renewed, or unless enforcement of the judgment is stayed in
41 accordance with law.
- 42 (b) Entry of an order renewing a judgment:
- 43 (i) maintains the date of the original judgment;
44 (ii) maintains the priority of collection of the judgment; and
45 (iii) except as explicitly provided otherwise by law or contract, begins anew the time
46 limitation for an action upon the judgment.
- 47 (2) Prior to July 1, 1997, except as limited by Subsections (4) and (5), the entry of judgment
48 by a district court creates a lien upon the real property of the judgment debtor, not
49 exempt from execution, owned or acquired during the existence of the judgment, located
50 in the county in which the judgment is entered.
- 51 (3) An abstract of judgment issued by the court in which the judgment is entered may be
52 filed in any court of this state and shall have the same force and effect as a judgment
53 entered in that court.
- 54 (4) Prior to July 1, 1997, and after May 15, 1998, a judgment entered in a small claims
55 action may not qualify as a lien upon real property unless abstracted to the district court
56 and recorded in accordance with Subsection (3).
- 57 (5)(a) If any judgment is appealed, upon deposit with the court where the notice of
58 appeal is filed of cash or other security in a form and amount considered sufficient by
59 the court that rendered the judgment to secure the full amount of the judgment,
60 together with ongoing interest and any other anticipated damages or costs, including
61 attorney fees and costs on appeal, the lien created by the judgment shall be
62 terminated as provided in Subsection (5)(b).
- 63 (b) Upon the deposit of sufficient security as provided in Subsection (5)(a), the court
64 shall enter an order terminating the lien created by the judgment and granting the

65 judgment creditor a perfected lien in the deposited security as of the date of the
66 original judgment.

67 (6)(a) A child support order or a sum certain judgment for past due support may be
68 enforced:

69 (i) within four years after the date the youngest child reaches majority; or

70 (ii) eight years from the date of entry of the sum certain judgment entered by a
71 tribunal.

72 (b) The longer period of duration shall apply in every order.

73 (c) A sum certain judgment may be renewed to extend the duration.

74 (7)(a) After July 1, 2002, a judgment entered by a district court, a justice court, or the
75 Business and Chancery Court, becomes a lien upon real property if:

76 (i) the judgment or an abstract of the judgment containing the information identifying
77 the judgment debtor as described in Subsection 78B-5-201(4)(b) is recorded in the
78 office of the county recorder; or

79 (ii) the judgment or an abstract of the judgment and a separate information statement
80 of the judgment creditor as described in Subsection 78B-5-201(5) is recorded in
81 the office of the county recorder.

82 (b) The judgment shall run from the date of entry by the court.

83 (c) The real property subject to the lien includes all the real property of the judgment
84 debtor:

85 (i) in the county in which the recording under Subsection (7)(a)(i) or (ii) occurs; and

86 (ii) owned or acquired at any time by the judgment debtor during the time the
87 judgment is effective.

88 (d) State agencies are exempt from the recording requirement of Subsection (7)(a).

89 (8)(a) A judgment referred to in Subsection (7) shall be entered under the name of the
90 judgment debtor in the judgment index in the office of the county recorder as
91 required in Section 17-21-6.

92 (b) A judgment containing a legal description shall also be abstracted in the appropriate
93 tract index in the office of the county recorder.

94 (9)(a) To release, assign, renew, or extend a lien created by a judgment recorded in the
95 office of a county recorder, a person shall, in the office of the county recorder of each
96 county in which an instrument creating the lien is recorded, record a document
97 releasing, assigning, renewing, or extending the lien.

98 (b) The document described in Subsection (9)(a) shall include:

- 99 (i) the date of the release, assignment, renewal, or extension;
- 100 (ii) the name of any judgment creditor, debtor, assignor, or assignee; and
- 101 (iii) for the county in which the document is recorded in accordance with Subsection
- 102 (9)(a):
- 103 (A) the date on which the instrument creating the lien was recorded in that
- 104 county's office of the county recorder; and
- 105 (B) in accordance with Section 57-3-106, that county recorder's entry number and
- 106 book and page of the recorded instrument creating the judgment lien.

107 Section 3. Section **78B-6-1802** is amended to read:

108 **78B-6-1802 . Renewal by motion.**

109 A court of record may renew a judgment issued by a court if:

- 110 (1) a motion is filed within the original action;
- 111 (2) the motion is filed before the statute of limitations on the ~~[original]~~ judgment, or any
- 112 renewal thereof, expires;
- 113 (3) the motion includes an affidavit that contains an accounting of the ~~[original]~~ judgment
- 114 and all postjudgment payments, credits, and other adjustments which are provided for by
- 115 law or are contained within the ~~[original]~~ judgment;
- 116 (4) the facts in the supporting affidavit are determined by the court to be accurate and the
- 117 affidavit affirms that notice was sent to the most current address known for the judgment
- 118 debtor;
- 119 (5) the time for responding to the motion has expired; and
- 120 (6) the fee required by Subsection 78A-2-301(1)(l) has been paid to the clerk of the court.

121 Section 4. Section **78B-6-1804** is amended to read:

122 **78B-6-1804 . Date and duration of judgment.**

123 Upon granting a motion for the renewal of judgment, the court shall enter an order

124 which renews the ~~[original]~~ judgment from the date of entry of the order ~~[or from the~~

125 ~~scheduled expiration date of the original order, whichever occurs first, for the same amount of~~

126 ~~time as the original judgment]~~ for the amount of time set forth in Subsection 78B-5-202(1).

127 Section 5. **Effective Date.**

128 This bill takes effect on May 7, 2025.