1	JUDGMENTS LIEN REVISION
2	2000 GENERAL SESSION
3	STATE OF UTAH
4	Sponsor: Thomas V. Hatch
5	AN ACT RELATING TO THE JUDICIAL CODE; CHANGING THE PLACE TO FILE
6	JUDGMENT LIENS FROM THE DISTRICT COURT TO THE COUNTY RECORDER'S
7	OFFICE; AND PROVIDING AN EFFECTIVE DATE.
8	This act affects sections of Utah Code Annotated 1953 as follows:
9	AMENDS:
10	78-22-1, as last amended by Chapter 75, Laws of Utah 1999
11	78-22-1.5, as last amended by Chapter 327, Laws of Utah 1998
12	Be it enacted by the Legislature of the state of Utah:
13	Section 1. Section 78-22-1 is amended to read:
14	78-22-1. Duration of judgment Judgment as lien upon real property Abstract
15	of judgment Small claims judgment not lien Appeal of judgment.
16	(1) Judgments shall continue for eight years unless previously satisfied or unless
17	enforcement of the judgment is stayed in accordance with law.
18	(2) Prior to July 1, 1997, except as limited by Subsections (4) and (5), the entry of
19	judgment by a district court is a lien upon the real property of the judgment debtor, not exempt
20	from execution, owned or acquired during the existence of the judgment, located in the county in
21	which the judgment is entered.
22	(3) Prior to and after July 1, 1997, an abstract of judgment issued by the court in which the
23	judgment is entered may be recorded in any court of this state and shall have the same force and
24	effect as a judgment entered in that court.
25	(4) Prior to July 1, 1997, and after May 15, 1998, a judgment entered in the small claims
26	division of any court shall not qualify as a lien upon real property unless abstracted to the civil
27	division of the district court and recorded in accordance with Subsection (3).

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(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's fees and costs on appeal, the lien created by Subsection (2) 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

- (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 under Subsection (2) and granting the judgment creditor a perfected lien in the deposited security as of the date of the original judgment.
- (6) After July 1, 2000, except as limited by Subsections (4) and (5), the entry of judgment by a district court is a lien upon the real property of the judgment debtor, not exempt from execution, owned or acquired during the existence of the action giving rise to the judgment, located in the county in which the judgment is entered, when the judgment or abstract of judgment has been recorded in the office of the county recorder of the county in which real property owned by the judgment debtor is located.
 - (7) When a judgment has been recorded, the county recorder:
- (a) shall immediately enter the judgment in the judgment index required under the provisions of Section 17-21-6;
 - (b) may enter the judgment in any of the other indexes as appropriate; and
- (c) if the judgment contains a legal description, index the judgment against the real property described in the judgment.
- (8) After the judgment has been recorded the county recorder shall return the original document to the person recording the judgment.
 - Section 2. Section **78-22-1.5** is amended to read:

78-22-1.5. Definitions -- Judgment recorded.

- (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.

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(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) On or after July 1, 2000, 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 office of the county recorder in the county in which property of the judgment debtor is located.
 - [(4)] (5) 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)] (6) (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)] (5) may be amended by recording a document entitled "Amendment to Recorded Judgment" in the Registry of Judgments in compliance with Subsections (3) and [(4)] (5).
- (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)] (7) 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)] (5).

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90 Section 3. **Effective date.**

This act takes effect on July 1, 2000.

Legislative Review Note as of 1-20-00 4:01 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel