

1 **REQUIREMENTS FOR FILING JUDGEMENTS**

2 2001 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Margaret Dayton**

5 **This act modifies the Registry of Judgments to require that at least one piece of identifying**
6 **information be provided on the judgment debtor when recording a judgment.**

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

8 AMENDS:

9 **78-22-1.5**, as last amended by Chapter 327, Laws of Utah 1998

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

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

12 **78-22-1.5. Definitions -- Judgment recorded in Registry of Judgments.**

13 (1) For purposes of this section, "Registry of Judgments" means the index where a
14 judgment shall be recorded and searchable by the name of the judgment debtor through electronic
15 means or by tangible document.

16 (2) On or after July 1, 1997, a judgment rendered or recorded in a district court does not
17 create a lien upon or affect the title to real property unless the judgment is recorded in the Registry
18 of Judgments of the office of the clerk of the district court of the county in which the property is
19 located.

20 (3) In addition to the requirement of Subsection (2), any judgment that is recorded in the
21 Registry of Judgments on or after September 1, 1998, shall include a separate information
22 statement of the judgment creditor that contains:

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

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

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

27 (d) [if known,] at least one piece of identifying information on the judgment debtor, such

28 as the judgment debtor's social security number, date of birth, [~~and~~] last-known employer, or
29 driver's license number if a natural person; and

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

32 (4) For the information required in Subsection (3), the judgment creditor shall~~[(a)]~~
33 provide the information on the separate information statement [~~if known or available to the~~
34 ~~judgment creditor~~] from its records, its attorney's records, or the court records in the action in
35 which the judgement was entered~~[; or]~~.

36 [~~(b) state on the separate information statement that the information is unknown or~~
37 ~~unavailable.~~]

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

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

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

46 (6) A judgment that requires payment of money recorded on or after September 1, 1998,
47 has as its priority the date of compliance with Subsections (3) and (4).

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

Office of Legislative Research and General Counsel