

STATEMENT OF PURPOSE

RS25855

Idaho law sets an eleven (11) year statute of limitation for actions upon a judgment (I.C. § 5-215) and limits the lien created by recording a judgment to ten (10) years (I.C. § 10-1110). In order to provide an opportunity for judgment creditors to extend the lives of both a judgment and the lien created by recording a judgment, I.C. § 10-1111 allows for "renewal of judgment." Specifically, this statute permits a court to issue a "renewed judgment," and in doing so, creates potential confusion regarding the status of the original judgment and lien relative to any subsequent judgment or lien against the same debtor or property. For purposes of collection, a lien generally has priority over a subsequently created lien. Thus, § 10-1111 could be viewed as giving the lien of a subsequent creditor priority over the lien created by the recording of a renewed judgment. Such a result is clearly not the intention of the renewal of judgment process. This amendment proposes directing a court to issue "an order renewing judgment" instead of a "renewed judgment." This amendment also clarifies that the entry of an order renewing judgment which is recorded in the same manner as the original judgment maintains the original judgment's date and collection priority, and starts a new clock on the statute of limitation for actions to enforce the judgment.

FISCAL NOTE

The amendment does not contemplate the expenditure of government funds, and thus, there will be no fiscal impact upon the General Fund, any other state fund or local governments.

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DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).