

Moved by Davis

Seconded by Burgoyne

IN THE SENATE  
SENATE AMENDMENT TO S.B. NO. 1069

AMENDMENT TO THE BILL

1 On page 1 of the printed bill, following line 12, insert:

2 "SECTION 2. That Section 5-215, Idaho Code, be, and the same is hereby  
3 amended to read as follows:  
4

5 5-215. ACTION ON JUDGMENT OR FOR MESNE PROFITS OF REAL PROP-  
6 ERTY. Within ~~six~~ eleven (~~6~~11) years:

7 (1-) An action upon a judgment or decree of any court of the United  
8 States, or of any state or territory within the United States.

9 (2-) An action for mesne profits of real property.

10 SECTION 3. That Section 10-1110, Idaho Code, be, and the same is hereby  
11 amended to read as follows:

12 10-1110. FILING TRANSCRIPT OF JUDGMENTS -- LIEN ACQUIRED. A tran-  
13 script or abstract of any judgment or decree of any court of this state or  
14 any court of the United States the enforcement of which has not been stayed  
15 as provided by law, if rendered within this state, certified by the clerk  
16 having custody thereof, may be recorded with the recorder of any county of  
17 this state, who shall immediately record and docket the same as by law pro-  
18 vided, and from the time of such recording, and not before, the judgment so  
19 recorded becomes a lien upon all real property of the judgment debtor in the  
20 county, not exempt from execution, owned by him at the time or acquired af-  
21 terwards at any time prior to the expiration of the lien; provided that where  
22 a transcript or abstract is recorded of any judgment or decree of divorce  
23 or separate maintenance making provision for installment or periodic pay-  
24 ment of sums for maintenance of children or alimony or allowance for wife's  
25 support, such judgment or decree shall be a lien only in an amount for pay-  
26 ments so provided, delinquent or not made when due. The lien resulting from  
27 recording of a judgment other than for support of a child continues ~~five~~ ten  
28 (~~5~~10) years from the date of the judgment, unless the judgment be previously  
29 satisfied, or unless the enforcement of the judgment be stayed upon an appeal  
30 as provided by law. A lien arising from the delinquency of a payment due  
31 under a judgment for support of a child issued by an Idaho court continues  
32 until ~~five~~ ten (~~5~~10) years after the death or emancipation of the last child  
33 for whom support is owed under the judgment unless the underlying judgment  
34 is renewed, is previously satisfied or the enforcement of the judgment is  
35 stayed upon an appeal as provided by law. The transcript or abstract above  
36 mentioned shall contain the title of the court and cause and number of ac-  
37 tion, names of judgment creditors and debtors, time of entry and amount of

1 judgment.

2 SECTION 4. That Section 45-510, Idaho Code, be, and the same is hereby  
3 amended to read as follows:

4 45-510. DURATION OF LIEN. No lien provided for in this chapter binds  
5 any building, mining claim, improvement or structure for a longer period  
6 than six (6) months after the claim has been filed, unless proceedings be  
7 commenced in a proper court within that time to enforce such lien; or unless  
8 a payment on account is made, or extension of credit given with expiration  
9 date thereof, and such payment or credit and expiration date, is endorsed on  
10 the record of the lien, then six (6) months after the date of such payment or  
11 expiration of extension. The lien of a final judgment obtained on any lien  
12 provided for in this chapter shall cease ~~five ten (510)~~ five years from the date  
13 the judgment becomes final, ~~but if such period of five (5) years has expired~~  
14 ~~or will expire before September 1, 1947, the owner of such judgment lien~~  
15 ~~shall have until September 1, 1947, within which to levy execution under such~~  
16 ~~judgment."~~;  
17 and in line 13, delete "2" and insert: "5".

18 CORRECTION TO TITLE

19 On page 1, in line 3, following "ENFORCED;" insert: "AMENDING SECTION  
20 5-215, IDAHO CODE, TO INCREASE THE NUMBER OF YEARS WHEN ACTION ON A JUDGMENT  
21 OR FOR MESNE PROFITS OF REAL PROPERTY MUST BE COMMENCED AND TO MAKE TECHNICAL  
22 CORRECTIONS; AMENDING SECTION 10-1110, IDAHO CODE, TO INCREASE THE TIME  
23 A CERTAIN LIEN RESULTING FROM RECORDING OF A JUDGMENT CONTINUES OR LIEN ARISING  
24 FROM THE DELINQUENCY OF A PAYMENT DUE UNDER A JUDGMENT CONTINUES; AMENDING  
25 SECTION 45-510, IDAHO CODE, TO INCREASE THE TIME PRIOR TO WHEN A LIEN OF  
26 FINAL JUDGMENT SHALL CEASE AND TO REMOVE ARCHAIC LANGUAGE CONCERNING WHEN A  
27 LIEN OF A FINAL JUDGMENT SHALL EXPIRE;"