

IN THE SENATE

SENATE BILL NO. 1069, As Amended, As Amended

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO RENEWAL OF JUDGMENTS; AMENDING SECTION 11-105, IDAHO CODE, TO  
2 INCREASE THE PERIOD OF TIME THAT A CERTAIN JUDGMENT MAY BE ENFORCED;  
3 AMENDING SECTION 5-215, IDAHO CODE, TO INCREASE THE NUMBER OF YEARS  
4 WHEN ACTION ON A JUDGMENT OR FOR MESNE PROFITS OF REAL PROPERTY MUST BE  
5 COMMENCED AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 10-1110,  
6 IDAHO CODE, TO INCREASE THE TIME A CERTAIN LIEN RESULTING FROM RECORD-  
7 ING OF A JUDGMENT CONTINUES OR LIEN ARISING FROM THE DELINQUENCY OF A  
8 PAYMENT DUE UNDER A JUDGMENT CONTINUES; AMENDING SECTION 45-510, IDAHO  
9 CODE, TO INCREASE THE TIME PRIOR TO WHEN A LIEN OF FINAL JUDGMENT SHALL  
10 CEASE AND TO REMOVE ARCHAIC LANGUAGE CONCERNING WHEN A LIEN OF A FINAL  
11 JUDGMENT SHALL EXPIRE; PROVIDING AN EFFECTIVE DATE AND PROVIDING APPLI-  
12 CATION.  
13

14 Be It Enacted by the Legislature of the State of Idaho:

15 SECTION 1. That Section 11-105, Idaho Code, be, and the same is hereby  
16 amended to read as follows:

17 11-105. EXECUTION AFTER ~~FIVE~~ TEN YEARS. In all cases other than for the  
18 recovery of money the judgment may be enforced or carried into execution af-  
19 ter the lapse of ~~five~~ ten (~~5~~10) years from the date of its entry, by leave of  
20 the court, upon motion, or by judgment for that purpose, founded upon supple-  
21 mental pleadings.

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

24 5-215. ACTION ON JUDGMENT OR FOR MESNE PROFITS OF REAL PROP-  
25 ERTY. Within ~~six~~ eleven (~~6~~11) years:

26 (1-) An action upon a judgment or decree of any court of the United  
27 States, or of any state or territory within the United States.

28 (2-) An action for mesne profits of real property.

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

31 10-1110. FILING TRANSCRIPT OF JUDGMENTS -- LIEN ACQUIRED. A tran-  
32 script or abstract of any judgment or decree of any court of this state or  
33 any court of the United States the enforcement of which has not been stayed  
34 as provided by law, if rendered within this state, certified by the clerk  
35 having custody thereof, may be recorded with the recorder of any county of  
36 this state, who shall immediately record and docket the same as by law pro-  
37 vided, and from the time of such recording, and not before, the judgment so  
38 recorded becomes a lien upon all real property of the judgment debtor in the  
39 county, not exempt from execution, owned by him at the time or acquired af-

1       terwards at any time prior to the expiration of the lien; provided that where  
2       a transcript or abstract is recorded of any judgment or decree of divorce  
3       or separate maintenance making provision for installment or periodic pay-  
4       ment of sums for maintenance of children or alimony or allowance for wife's  
5       support, such judgment or decree shall be a lien only in an amount for pay-  
6       ments so provided, delinquent or not made when due. The lien resulting from  
7       recording of a judgment other than for support of a child continues five ten  
8       (510) years from the date of the judgment, unless the judgment be previously  
9       satisfied, or unless the enforcement of the judgment be stayed upon an appeal  
10      as provided by law. A lien arising from the delinquency of a payment due  
11      under a judgment for support of a child issued by an Idaho court continues  
12      until five ten (510) years after the death or emancipation of the last child  
13      for whom support is owed under the judgment unless the underlying judgment  
14      is renewed, is previously satisfied or the enforcement of the judgment is  
15      stayed upon an appeal as provided by law. The transcript or abstract above  
16      mentioned shall contain the title of the court and cause and number of ac-  
17      tion, names of judgment creditors and debtors, time of entry and amount of  
18      judgment.

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

21             45-510. DURATION OF LIEN. No lien provided for in this chapter binds  
22      any building, mining claim, improvement or structure for a longer period  
23      than six (6) months after the claim has been filed, unless proceedings be  
24      commenced in a proper court within that time to enforce such lien; or unless  
25      a payment on account is made, or extension of credit given with expiration  
26      date thereof, and such payment or credit and expiration date, is endorsed on  
27      the record of the lien, then six (6) months after the date of such payment or  
28      expiration of extension. The lien of a final judgment obtained on any lien  
29      provided for in this chapter shall cease five ten (510) years from the date  
30      the judgment becomes final, ~~but if such period of five (5) years has expired~~  
31      ~~or will expire before September 1, 1947, the owner of such judgment lien~~  
32      ~~shall have until September 1, 1947, within which to levy execution under such~~  
33      ~~judgment.~~

34             SECTION 5. This act shall be in full force and effect on and after July  
35      1, 2015, and shall apply only to judgments issued on and after July 1, 2015,  
36      by a court of competent jurisdiction.