

## STATEMENT OF PURPOSE

### RS26852

This legislation is intended to clarify text in Idaho Code concerning execution on judgments during renewal periods. Idaho law provides for the renewal of judgment over successive periods through motion and an order of the court pursuant to Idaho Code §10-1111. Case law and court practice indicate that one can execute on renewed judgments, but the Idaho statute includes language that could cause confusion and could prevent unwary creditors from fully pursuing their rights. Idaho Code §11-105 can be read to restrict execution upon monetary judgments to ten years from the date of entry of judgment or five years from entry of judgment entered prior to July 1, 2015. It is not entirely clear from the current language that entry of judgment includes entry of an order renewing judgment. If the language were intended to only run from the date of entry of judgment, as this restrictive interpretation implies, and not entry of renewals of judgment it is unclear what rights, if any, are actually granted by renewal of judgment. It is clear, for instance, that a lien is renewed, but if execution rights do not exist, then the lien might not be able to be foreclosed. This interpretation makes the renewal statute effectively meaningless. There is a workaround to the process that would involve the common law cause of action called action on a judgment. Obtaining a new judgment through this process allows execution on the judgment during any renewal period, but would potentially cost the plaintiff their lien priority and this method of renewal undermines a primary purpose of the renewal statute, which is to simplify the renewal of judgments.

### FISCAL NOTE

There is no fiscal impact; this proposed legislation clarifies language that has no material change to any budget.

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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).