

IN THE SENATE

SENATE BILL NO. 1069, As Amended, As Amended, As Amended in the House

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO RENEWAL OF JUDGMENTS; AMENDING SECTION 11-101, IDAHO CODE, TO  
2 PROVIDE FOR EXECUTION ON JUDGMENTS FOR SUPPORT OF A CHILD, THE PARTY IN  
3 WHOSE FAVOR JUDGMENT IS GIVEN MAY, AT ANY TIME WITHIN TEN YEARS AFTER THE  
4 ENTRY, HAVE A WRIT OF EXECUTION ISSUED FOR ITS ENFORCEMENT WITH CONDI-  
5 TIONS; AMENDING SECTION 11-105, IDAHO CODE, TO INCREASE THE PERIOD OF  
6 TIME THAT A CERTAIN JUDGMENT MAY BE ENFORCED; AMENDING SECTION 5-215,  
7 IDAHO CODE, TO INCREASE THE NUMBER OF YEARS WHEN ACTION ON A JUDGMENT OR  
8 FOR MESNE PROFITS OF REAL PROPERTY MUST BE COMMENCED AND TO MAKE TECHNICAL  
9 CORRECTIONS; AMENDING SECTION 10-1110, IDAHO CODE, TO INCREASE THE  
10 TIME A CERTAIN LIEN RESULTING FROM RECORDING OF A JUDGMENT CONTINUES OR  
11 LIEN ARISING FROM THE DELINQUENCY OF A PAYMENT DUE UNDER A JUDGMENT CON-  
12 TINUES; AMENDING SECTION 45-510, IDAHO CODE, TO INCREASE THE TIME PRIOR  
13 TO WHEN A LIEN OF FINAL JUDGMENT SHALL CEASE AND TO REMOVE ARCHAIC LAN-  
14 GUAGE CONCERNING WHEN A LIEN OF A FINAL JUDGMENT SHALL EXPIRE; PROVIDING  
15 AN EFFECTIVE DATE AND PROVIDING APPLICATION.  
16

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

18 SECTION 1. That Section 11-101, Idaho Code, be, and the same is hereby  
19 amended to read as follows:

20 11-101. TIME WITHIN WHICH EXECUTION MAY ISSUE -- STAY PENDING DISPOSI-  
21 TION OF MOTIONS. Except as provided in section 5-245, Idaho Code, for execu-  
22 tion on judgments for support of a child, the party in whose favor judgment  
23 is given may, at any time within ~~five~~ ten (~~5~~10) years after the entry thereof,  
24 have a writ of execution issued for its enforcement, subject to the right of  
25 the court to stay execution as provided by the rules adopted by the supreme  
26 court.

27 SECTION 2. That Section 11-105, Idaho Code, be, and the same is hereby  
28 amended to read as follows:

29 11-105. EXECUTION AFTER ~~FIVE~~ TEN YEARS. In all cases other than for the  
30 recovery of money the judgment may be enforced or carried into execution af-  
31 ter the lapse of ~~five~~ ten (~~5~~10) years from the date of its entry, by leave of  
32 the court, upon motion, or by judgment for that purpose, founded upon supple-  
33 mental pleadings.

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

36 5-215. ACTION ON JUDGMENT OR FOR MESNE PROFITS OF REAL PROP-  
37 ERTY. Within ~~six~~ eleven (~~6~~11) years:

38 (1-) An action upon a judgment or decree of any court of the United  
39 States, or of any state or territory within the United States.

1        ~~(2-)~~ An action for mesne profits of real property.

2        SECTION 4. That Section 10-1110, Idaho Code, be, and the same is hereby  
3 amended to read as follows:

4        10-1110. FILING TRANSCRIPT OF JUDGMENTS -- LIEN ACQUIRED. A tran-  
5 script or abstract of any judgment or decree of any court of this state or  
6 any court of the United States the enforcement of which has not been stayed  
7 as provided by law, if rendered within this state, certified by the clerk  
8 having custody thereof, may be recorded with the recorder of any county of  
9 this state, who shall immediately record and docket the same as by law pro-  
10 vided, and from the time of such recording, and not before, the judgment so  
11 recorded becomes a lien upon all real property of the judgment debtor in the  
12 county, not exempt from execution, owned by him at the time or acquired af-  
13 terwards at any time prior to the expiration of the lien; provided that where  
14 a transcript or abstract is recorded of any judgment or decree of divorce  
15 or separate maintenance making provision for installment or periodic pay-  
16 ment of sums for maintenance of children or alimony or allowance for wife's  
17 support, such judgment or decree shall be a lien only in an amount for pay-  
18 ments so provided, delinquent or not made when due. The lien resulting from  
19 recording of a judgment other than for support of a child continues five ten  
20 (510) years from the date of the judgment, unless the judgment be previously  
21 satisfied, or unless the enforcement of the judgment be stayed upon an appeal  
22 as provided by law. A lien arising from the delinquency of a payment due  
23 under a judgment for support of a child issued by an Idaho court continues  
24 until five ten (510) years after the death or emancipation of the last child  
25 for whom support is owed under the judgment unless the underlying judgment  
26 is renewed, is previously satisfied or the enforcement of the judgment is  
27 stayed upon an appeal as provided by law. The transcript or abstract above  
28 mentioned shall contain the title of the court and cause and number of ac-  
29 tion, names of judgment creditors and debtors, time of entry and amount of  
30 judgment.

31        SECTION 5. That Section 45-510, Idaho Code, be, and the same is hereby  
32 amended to read as follows:

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

1           SECTION 6. This act shall be in full force and effect on and after July  
2 1, 2015, and shall apply only to judgments issued on and after July 1, 2015,  
3 by a court of competent jurisdiction.