

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 36
HOUSE BILL 2240

AN ACT

AMENDING SECTIONS 12-1551, 12-1611, 12-1612, 12-1613 AND 33-964, ARIZONA
REVISED STATUTES; RELATING TO JUDGMENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 12-1551, Arizona Revised Statutes, is amended to
3 read:

4 12-1551. Issuance of writ of execution; limitation; renewal;
5 death of judgment debtor; exemptions

6 A. The party in whose favor a judgment is given, at any time within
7 ~~five~~ TEN years after entry of the judgment and within ~~five~~ TEN years after
8 any renewal of the judgment either by affidavit or by an action brought on
9 it, may have a writ of execution or other process issued for its
10 enforcement.

11 B. An execution or other process shall not be issued on a judgment
12 after the expiration of ~~five~~ TEN years from the date of its entry unless
13 the judgment is renewed by affidavit or process pursuant to section
14 12-1612 or an action is brought on it within ~~five~~ TEN years from the date
15 of the entry of the judgment or of its renewal.

16 C. The court shall not issue a writ of execution after the death of
17 the judgment debtor unless it is for the recovery of real or personal
18 property or enforcement of a lien.

19 D. This section does not apply to:

20 1. Criminal restitution orders entered pursuant to section 13-805.

21 2. Written judgments and orders for child support and spousal
22 maintenance and to associated costs and attorney fees.

23 3. Judgments for supervision fees or expenses associated with the
24 care of a juvenile pursuant to section 8-241 or 8-243 and to associated
25 costs and attorney fees.

26 4. Civil judgments obtained by this state.

27 Sec. 2. Section 12-1611, Arizona Revised Statutes, is amended to
28 read:

29 12-1611. Renewal by action

30 A judgment may be renewed by action thereon at any time within ~~five~~
31 TEN years after the date of the judgment.

32 Sec. 3. Section 12-1612, Arizona Revised Statutes, is amended to
33 read:

34 12-1612. Renewal by affidavit

35 A. A judgment for the payment of money that has been entered and
36 docketed in the civil docket or civil order book of the United States
37 district court or superior court, whether originally rendered by it or
38 entered ~~upon~~ ON a transcript of judgment from another court, or recorded
39 with the county recorder, may be renewed by filing an affidavit for
40 renewal with the clerk of the proper court.

41 B. The judgment creditor or ~~his~~ THE JUDGMENT CREDITOR'S personal
42 representative or assignee may within ninety days preceding the expiration
43 of ~~five~~ TEN years from the date of entry of such judgment, make and file
44 an affidavit, known as a renewal affidavit, entitled as in the action
45 setting forth:

1 1. The names of the parties, the name of the court in which
2 docketed, if recorded the name of the county in which recorded, the date
3 and amount of the judgment, if recorded, the number and page of the book
4 in which recorded by the county recorder, the name of the owner of the
5 judgment, and his source and succession of title, if not the judgment
6 creditor.

7 2. That no execution is anywhere outstanding and unreturned ~~upon~~ ON
8 the judgment, or if any execution is outstanding, that fact shall be
9 stated.

10 3. The date and amount of all payments ~~upon~~ ON the judgment and
11 that all payments have been duly credited ~~upon~~ ON the judgment.

12 4. That there are no ~~set-offs~~ SETOFFS or counterclaims in favor of
13 the judgment debtor, and if a counterclaim or ~~set-off~~ SETOFF does exist in
14 favor of the judgment debtor, the amount thereof, if certain, or, if the
15 counterclaim or ~~set-off~~ SETOFF is unsettled or undetermined, a statement
16 that when it is settled or determined by action or otherwise, it may be
17 allowed as a payment or credit ~~upon~~ ON the judgment.

18 5. The exact amount due ~~upon~~ ON the judgment after allowing all
19 ~~set-offs~~ SETOFFS and counterclaims known to affiant, and other facts or
20 circumstances necessary to a complete disclosure as to the exact condition
21 of the judgment.

22 C. If the judgment was docketed by the clerk of the court ~~upon~~ ON a
23 certified copy from any other court and subsequently an abstract recorded
24 with the county recorder, the affidavit, in addition to the foregoing,
25 shall set forth a statement of each county in which such transcript has
26 been docketed and abstract recorded. The affidavit shall be verified
27 positively by the person making it, and not ~~upon~~ ON information and
28 belief.

29 D. The filing of the affidavit in the office of the clerk of the
30 court where the judgment is entered and docketed shall renew and revive
31 the judgment to the extent of the balance shown due in the affidavit.

32 E. Additional and successive renewal affidavits as provided for in
33 subsection B OF THIS SECTION may be made and filed within ninety days of
34 expiration of ~~five~~ TEN years from the date of the filing of a prior
35 renewal affidavit.

36 F. Recorded judgments that have been timely renewed by a renewal
37 affidavit and successive affidavits, even if such successive affidavits
38 were not authorized by prior law, may be renewed as provided in this
39 section if the prior renewal affidavits were filed within ninety days from
40 the expiration of each successive ~~five~~ TEN year period.

41 Sec. 4. Section 12-1613, Arizona Revised Statutes, is amended to
42 read:

43 12-1613. Docketing and recording affidavit of renewal; effect

44 A. The clerk shall docket the affidavit of renewal in the proper
45 docket and shall enter in the proper docket forthwith, after the statement

1 of the original judgment, the date and fact of the renewal, and the amount
2 for which the judgment is renewed.

3 B. The entry and docketing of the affidavit by the clerk shall
4 renew the judgment for a period of ~~five~~ TEN years from the time of
5 docketing.

6 C. No lien on or against the real property of the judgment debtor
7 shall be continued by an affidavit of renewal until a copy of the
8 affidavit, certified by the clerk of the court, is recorded in the office
9 of the county recorder.

10 D. From and after recordation of the copy of the affidavit of
11 renewal, certified by the clerk of the court, the judgment shall be a lien
12 to the extent of the balance shown in the affidavit of renewal against all
13 real property of the judgment debtor, except such as is exempt from
14 execution, including interest in the homestead, for a period of ~~five~~ TEN
15 years from the date of docketing the affidavit of renewal with the clerk.

16 E. A copy of the renewal affidavit and of the docket entries
17 thereon, certified by the clerk of the court wherein they are filed, may
18 be docketed in any other county of the state in which a transcript of the
19 original judgment was filed, and a copy of the renewal affidavit may be
20 recorded with the county recorder of any county wherein the original
21 judgment has been previously filed or docketed or wherein the judgment
22 creditor desires the judgment to become a lien on real property of the
23 judgment debtor.

24 Sec. 5. Section 33-964, Arizona Revised Statutes, is amended to
25 read:

26 33-964. Lien of judgment; duration; exemption of homestead;
27 acknowledgment of satisfaction by judgment creditor

28 A. Except as provided in sections 33-729 and 33-730, from and after
29 the time of recording as provided in section 33-961, a judgment shall
30 become a lien for a period of ~~five~~ TEN years from the date it is given, on
31 all real property of the judgment debtor except real property exempt from
32 execution, including homestead property, in the county in which the
33 judgment is recorded, whether the property is then owned by the judgment
34 debtor or is later acquired. A civil judgment lien obtained by this state
35 and a judgment lien for support, as defined in section 25-500, remain in
36 effect until satisfied or lifted.

37 B. Except as provided in section 33-1103, a recorded judgment shall
38 not become a lien on any homestead property. Any person entitled to a
39 homestead on real property as provided by law holds the homestead property
40 free and clear of the judgment lien.

41 C. A judgment of the justice court, municipal court, superior court
42 or United States court that has become a lien under this article,
43 immediately on the payment or satisfaction of the judgment, shall be
44 discharged of record by the judgment creditor or the judgment creditor's
45 attorney by recording a satisfaction of judgment with the county recorder

1 of the county in which the judgment is recorded. The judgment creditor or
2 the judgment creditor's attorney shall enter a notation of satisfaction on
3 the docket of the clerk of the superior court of each county in which the
4 judgment has been entered or docketed, and in a like manner enter a
5 notation of satisfaction on the docket of the clerk of the United States
6 district court.

7 D. In a title IV-D case, if the title IV-D agency or its agent is
8 listed as the holder of the lien and the judgment has been satisfied but
9 the obligee is unwilling to sign the release of the lien or, after
10 reasonable efforts, cannot be located to sign the release of the lien, the
11 title IV-D agency or its agent may sign the satisfaction of judgment and
12 release of lien without the signature of the obligee. The title IV-D
13 agency or its agent shall send a copy by first class mail to the last
14 known address of the obligee.

APPROVED BY THE GOVERNOR MARCH 20, 2018.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 20, 2018.