

House Engrossed Senate Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

CHAPTER 194

SENATE BILL 1247

AN ACT

AMENDING SECTIONS 33-964 AND 33-1103, ARIZONA REVISED STATUTES; RELATING TO
THE HOMESTEAD EXEMPTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 33-964, Arizona Revised Statutes, is amended to
3 read:

4 33-964. Lien of judgment; duration; exemption of homestead;
5 acknowledgment of satisfaction by judgment creditor

6 A. Except as provided in sections 33-729 and 33-730, from and after
7 the time of recording as provided in section 33-961, a judgment shall become
8 a lien for a period of five years from the date it is given, on all real
9 property of the judgment debtor except real property exempt from execution,
10 including homestead property, in the county where IN WHICH the judgment is
11 recorded, whether the property is then owned by the judgment debtor or is
12 later acquired. A judgment lien for support, as defined in section 25-500,
13 and associated costs and attorney fees remains in effect until satisfied or
14 lifted.

15 B. EXCEPT AS PROVIDED IN SECTION 33-1103, a recorded judgment shall
16 not become a lien upon ON any homestead property. Any person entitled to a
17 homestead on real property as provided by law holds the homestead property
18 free and clear of the judgment lien.

19 C. A judgment of the justice court, municipal court, superior court or
20 United States court which has become a lien under this article, shall,
21 immediately on the payment or satisfaction of the judgment, SHALL be
22 discharged of record by the judgment creditor or the judgment creditor's
23 attorney by recording a satisfaction of judgment with the county recorder of
24 the county in which the judgment is recorded. The judgment creditor or the
25 judgment creditor's attorney shall enter a notation of satisfaction on the
26 docket of the clerk of the superior court of each county where IN WHICH the
27 judgment has been entered or docketed, and in a like manner enter a notation
28 of satisfaction on the docket of the clerk of the United States district
29 court.

30 Sec. 2. Section 33-1103, Arizona Revised Statutes, is amended to read:
31 33-1103. Effective date of homestead exemption; extent of

32 exemption; exceptions

33 A. The homestead provided for in section 33-1101, subsection A is
34 exempt from process and from sale under a judgment or lien, except:

35 1. A consensual lien, including a mortgage or deed of trust, or
36 contract of conveyance.

37 2. A lien for labor or materials claimed pursuant to section 33-981.

38 3. A LIEN FOR CHILD SUPPORT ARREARAGES OR SPOUSAL MAINTENANCE
39 ARREARAGES. AN AWARD OF COURT ORDERED SUPPORT IS NOT A LIEN FOR THE PURPOSES
40 OF THIS PARAGRAPH UNLESS ONE OF THE FOLLOWING APPLIES:

41 (a) AN ARREARAGE HAS BEEN REDUCED TO JUDGMENT.

42 (b) A LIEN EXISTS PURSUANT TO SECTION 25-516.

43 (c) THE COURT ORDERS A SPECIFIC SECURITY INTEREST OF THE PROPERTY FOR
44 SUPPORT.

1 ~~3-~~ 4. To the extent that a judgment or other lien may be satisfied
2 from the equity of the debtor exceeding the homestead exemption under section
3 33-1101.

4 B. A sale as described in subsection A of this section and not
5 excepted by subsection A, paragraph 1, 2, ~~or~~ 3 OR 4 of this section is
6 invalid and does not convey an interest in the homestead, whether made under
7 a judgment existing before or after THE homestead is established.

8 C. IN A CONTEMPT PROCEEDING BROUGHT TO ENFORCE PAYMENT OF ANY FORM OF
9 CHILD SUPPORT OR SPOUSAL MAINTENANCE, THE COURT MAY CONSIDER THE PORTION OF
10 PROPERTY CLAIMED AS EXEMPT PURSUANT TO SECTION 33-1101, SUBSECTION A, AS A
11 RESOURCE FROM WHICH AN OBLIGOR HAS THE ABILITY TO PAY.

APPROVED BY THE GOVERNOR MAY 8, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 9, 2007.

Passed the House April 24, 20 07,

by the following vote: 52 Ayes,

1 Nays, 7 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

Passed the Senate February 19, 20 07,

by the following vote: 26 Ayes,

2 Nays, 2 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

S.B. 1247

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate May 2, 2007

by the following vote: 26 Ayes,

3 Nays, 1 Not Voting

Timothy S. Bee
President of the Senate

Charmian Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

2nd day of May, 2007

at 11:05 o'clock a M.

Wennifer Ybarra
Secretary to the Governor

Approved this 8 day of

May 2007

at 4:50 o'clock P M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 9 day of May, 2007

at 8:35 o'clock A M.

[Signature]
Secretary of State