

Senate Engrossed House Bill

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

FILED
MICHELE REAGAN
SECRETARY OF STATE

CHAPTER 202

HOUSE BILL 2555

AN ACT

AMENDING SECTIONS 33-961, 33-964 AND 33-967, ARIZONA REVISED STATUTES;
RELATING TO JUDGMENT LIENS ON REAL PROPERTY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 33-961, Arizona Revised Statutes, is amended to
3 read:

4 33-961. Filing judgments for payment of money; certified copy
5 of judgment; recording copy to perfect lien against
6 real property; information statement

7 A. A certified copy of the judgment of any court in this state may be
8 filed and recorded in the office of the county recorder in each county where
9 the judgment creditor desires the judgment to become a lien on the real
10 property of the judgment debtor. On recording IN SUBSTANTIAL COMPLIANCE WITH
11 BOTH THE REQUIREMENTS OF THIS SECTION AND THE REQUIREMENTS OF SECTION 33-967
12 REGARDING AN INFORMATION STATEMENT, the judgment becomes a lien on the real
13 property of the judgment debtor, including any part of the real property of
14 the judgment debtor as otherwise provided by law. FAILURE TO SUBSTANTIALLY
15 COMPLY WITH THIS SECTION AND SECTION 33-967, RESULTS IN THE JUDGMENT NOT
16 BECOMING A LIEN. The certified copy of the judgment shall set forth the:

- 17 1. Title of the court and the action and number of the action.
- 18 2. Date of entry of the judgment and the docket record for the
19 judgment.
- 20 3. Names of the judgment debtor and judgment creditor.
- 21 4. Amount of the judgment.
- 22 5. Attorney of record for the judgment creditor.

23 B. The clerk shall furnish a certified copy of any judgment of that
24 court on request and payment of the fee prescribed by law.

25 C. A judgment or decree or any renewal that requires payment of money
26 shall also be accompanied by an information statement as prescribed by
27 section 33-967.

28 D. NOTWITHSTANDING SUBSECTIONS A AND C OF THIS SECTION, A CIVIL
29 JUDGMENT IN FAVOR OF THIS STATE IS EXEMPT FROM THE REQUIREMENT TO RECORD AN
30 INFORMATION STATEMENT AS PRESCRIBED IN SECTION 33-967 AND BECOMES A LIEN ON
31 THE REAL PROPERTY OF THE JUDGMENT DEBTOR WHEN IT IS RECORDED IN THE OFFICE OF
32 THE COUNTY RECORDER. THIS SUBSECTION APPLIES RETROACTIVELY TO ALL JUDGMENTS
33 IN FAVOR OF THIS STATE WITHOUT REGARD TO WHEN THE JUDGMENT WAS RECORDED.

34 Sec. 2. Section 33-964, Arizona Revised Statutes, is amended to read:

35 33-964. Lien of judgment; duration; exemption of homestead;
36 acknowledgment of satisfaction by judgment creditor

37 A. Except as provided in sections 33-729 and 33-730, from and after
38 the time of recording as provided in section 33-961, a judgment shall become
39 a lien for a period of five years from the date it is given, on all real
40 property of the judgment debtor except real property exempt from execution,
41 including homestead property, in the county in which the judgment is
42 recorded, whether the property is then owned by the judgment debtor or is
43 later acquired. A CIVIL JUDGMENT LIEN OBTAINED BY THIS STATE AND a judgment
44 lien for support, as defined in section 25-500, ~~remains~~ REMAIN in effect
45 until satisfied or lifted.

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

5 C. A judgment of the justice court, municipal court, superior court
6 or United States court that has become a lien under this article, immediately
7 on the payment or satisfaction of the judgment, shall be discharged of record
8 by the judgment creditor or the judgment creditor's attorney by recording a
9 satisfaction of judgment with the county recorder of the county in which the
10 judgment is recorded. The judgment creditor or the judgment creditor's
11 attorney shall enter a notation of satisfaction on the docket of the clerk of
12 the superior court of each county in which the judgment has been entered or
13 docketed, and in a like manner enter a notation of satisfaction on the docket
14 of the clerk of the United States district court.

15 D. In a title IV-D case, if the title IV-D agency or its agent is
16 listed as the holder of the lien and the judgment has been satisfied but the
17 obligee is unwilling to sign the release of the lien or, after reasonable
18 efforts, cannot be located to sign the release of the lien, the title IV-D
19 agency or its agent may sign the satisfaction of judgment and release of lien
20 without the signature of the obligee. The title IV-D agency or its agent
21 shall send a copy by first class mail to the last known address of the
22 obligee.

23 Sec. 3. Section 33-967, Arizona Revised Statutes, is amended to read:
24 33-967. Money judgment; information statement; amendment to
25 recorded judgment

26 A. In addition to the requirements prescribed by section 33-961, any
27 judgment or decree or any renewal that requires the payment of money and that
28 is recorded on or after January 1, 1997, shall ~~be attached to~~ NOT BECOME A
29 LIEN ON REAL PROPERTY UNTIL a separate information statement ~~of the judgment~~
30 ~~creditor that contains~~ IS ATTACHED TO THE JUDGMENT BEING RECORDED. THE
31 SEPARATE INFORMATION STATEMENT SHALL CONTAIN all of the following
32 information:

33 1. The correct name and last known address of each judgment debtor and
34 the address at which each judgment debtor received the summons by personal
35 service or by mail.

36 2. The name and address of the judgment creditor.

37 3. The amount of the judgment or decree as entered or as most recently
38 renewed.

39 4. If the judgment debtor is a natural person, the judgment debtor's
40 social security number, date of birth and driver license number.

41 5. Whether a stay of enforcement has been ordered by the court and the
42 date the stay expires.

43 B. Except as provided in this subsection, the separate statement shall
44 contain the information prescribed by subsection A of this section if the
45 information is known to the judgment creditor or available to the judgment

1 creditor from its records, its attorney's records or the court records in the
2 action in which the judgment was entered. If any of the required information
3 is not known, the judgment creditor shall so state. The judgment debtor's
4 social security number shall be included in the separate statement only if it
5 has been provided voluntarily to the judgment creditor by the judgment
6 debtor.

7 C. A judgment or decree or any renewal that requires the payment of
8 money, that is recorded on or after January 1, 1997 and that is not
9 accompanied by the separate statement as prescribed by subsection A of this
10 section ~~may be amended by recording~~ DOES NOT BECOME A LIEN ON REAL PROPERTY
11 UNTIL THE JUDGMENT CREDITOR RECORDS a document entitled "amendment to
12 recorded judgment" THAT CONTAINS A SEPARATE STATEMENT THAT IS in compliance
13 with subsection A of this section. The amendment to recorded judgment shall
14 state the date of recording and the indexing or document number of the
15 official records of the county recorder for the original recorded judgment or
16 decree and any renewals.

17 ~~D. A judgment or decree or any renewal that requires the payment of~~
18 ~~money recorded on or after January 1, 1997, has as its priority the date of~~
19 ~~compliance with subsection A of this section.~~

20 ~~E. D.~~ D. Recording an amendment to recorded judgment does not affect the
21 computation of time prescribed by section 33-964.

22 E. A CIVIL JUDGMENT IN FAVOR OF THIS STATE IS EXEMPT FROM THIS
23 SECTION. THIS SUBSECTION APPLIES RETROACTIVELY TO ALL JUDGMENTS IN FAVOR OF
24 THIS STATE WITHOUT REGARD TO WHEN THE JUDGMENT WAS RECORDED.

APPROVED BY THE GOVERNOR MAY 11, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 11, 2016.

Passed the House February 24, 2016

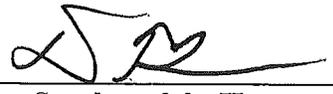
Passed the Senate March 24, 2016

by the following vote: 59 Ayes,

by the following vote: 29 Ayes,

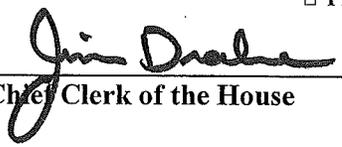
0 Nays, 1 Not Voting

0 Nays, 1 Not Voting

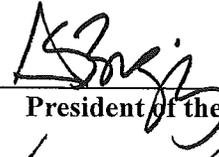


Speaker of the House

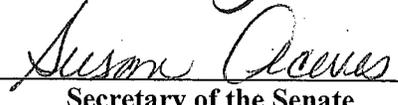
Pro Tempore



Chief Clerk of the House



President of the Senate



Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

 day of , 20

at o'clock M.

Secretary to the Governor

Approved this day of

at o'clock M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this day of , 20

at o'clock M.

Secretary of State

H.B. 2555

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

May 6, 2016

by the following vote: 54 Ayes,

0 Nays, 6 Not Voting



Speaker of the House



Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

6 day of May, 2016,

at 8:18 o'clock P. M.

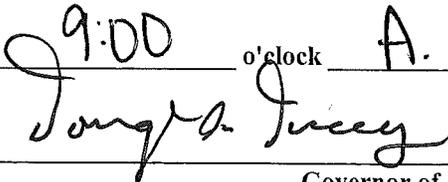


Secretary to the Governor

Approved this 11th day of

May, 2016,

at 9:00 o'clock A. M.



Governor of Arizona

H.B. 2555

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 12 day of May, 2016,

at 3:12 o'clock P. M.



Secretary of State