

HOUSE BILL NO. 1234

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice

on _____)

(Patron Prior to Substitute--Delegate Head)

A BILL to amend and reenact § 8.01-251 of the Code of Virginia, relating to limitations on judgments; extensions and renewals.

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-251 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-251. Limitations on enforcement of judgments.

A. No execution shall be issued and no action brought on a judgment dated, extended, or renewed, prior to July 1, 2021, including a judgment in favor of the Commonwealth and a judgment rendered in another state or country, after 20 years from the date of such judgment or domestication of such judgment or 20 years from the date of such extension or renewal of such judgment, whichever is later, unless the period is extended as provided in this section. No execution shall be issued and no action brought on a judgment dated on or after July 1, 2021, including a judgment in favor of the Commonwealth and a judgment rendered in another state or country, after 10 years from the date of such judgment or domestication of such judgment, unless the period is extended as provided in this section, except that no execution shall be issued and no action brought on a judgment dated on or after July 1, 2021, that was created by nonpayment of child support after 20 years from the date of such judgment or domestication of such judgment.

B. The limitation prescribed in subsection A may be extended by the recordation of a certificate in the form provided in subsection G prior to the expiration of the limitation period prescribed herein in the clerk's office in which such judgment-~~lien~~ is recorded and executed by either the judgment-~~lien~~ creditor or his assignee or by his duly authorized attorney-in-fact the judgment creditor's or his assignee's attorney or authorized agent. Recordation of the certificate shall extend the limitations period of the right to enforce

27 such judgment ~~lien~~ for 10 years from the date of the recordation of the certificate. A judgment creditor or
28 his assignee may record ~~one~~ two additional ~~extension~~ extensions by recording ~~another certificate~~
29 certificates in the form provided in subsection G prior to the expiration of ~~the original 10-year extension~~
30 of the limitation period, which provided by the prior certificate of extension. Recordation of each
31 subsequent certificate of extension shall extend the limitations period of the right to enforce such judgment
32 ~~lien~~ for 10 years from the date of recordation of ~~the second~~ each subsequent certificate.

33 The clerk of the court shall index the certificate in both names in the index of the judgment lien
34 book and give reference to the book and page in which the original lien is recorded. This ~~extension~~
35 procedure is subject to the exception that if the action is against a personal representative of a decedent,
36 the motion shall be within two years from the date of his qualification, the extension may be for only two
37 years from the time of the recordation of the certificate, and there may be only one such extension.

38 C. No suit shall be brought to enforce the lien of any judgment, including judgments in favor of
39 the Commonwealth, upon which the right to issue an execution or bring an action is barred by other
40 subsections of this section, nor shall any suit be brought to enforce the lien of any judgment against the
41 lands ~~which~~ that have been conveyed by the judgment debtor to a grantee for value, unless the same be
42 brought within five years from the due recordation of the deed from such judgment debtor to such grantee
43 and unless a notice of lis pendens shall have been recorded in the manner provided by § 8.01-268 before
44 the expiration of such five-year period.

45 D. In computing the time, any time during which the right to sue out execution on the judgment is
46 suspended by the terms thereof, or by legal process, shall be omitted. Sections 8.01-230 et seq., 8.01-247
47 and 8.01-256 shall apply to the right to bring such action in like manner as to any right.

48 E. This section shall not be construed to impair the right of subrogation to which any person may
49 become entitled while the lien is in force, provided that he institutes proceedings to enforce such right
50 within five years after the same accrued, nor shall the lien of a judgment be impaired by the recovery of
51 another judgment thereon, or by a forthcoming bond taken on an execution thereon, such bond having the
52 force of a judgment.

53 F. Limitations on enforcement of judgments entered in the general district courts shall be governed
 54 by § 16.1-94.1, unless an abstract of such judgment is docketed in the judgment book of a circuit court.
 55 Upon ~~the~~ docketing of such judgment, ~~the limitation for the enforcement of a district court judgment is~~
 56 ~~the same as for a judgment of the circuit court~~ such judgment shall be treated as a judgment entered by
 57 the circuit court and may be extended in the same manner as a judgment entered by the circuit court,
 58 although the original date of entry of the judgment shall remain the date that was entered by the general
 59 district court.

60 G. Any extension of the limitations of the right to enforce a judgment shall conform substantially
 61 with the following form:

62 CERTIFICATE OF EXTENSION OF LIMITATION OF RIGHT TO ENFORCE JUDGMENT
 63 LIEN

64 Place of Record _____
 65 Date Judgment Docketed _____
 66 Judgment Lien Book _____ Book Page _____
 67 Name of Judgment Creditor(s) or Assignee(s) _____
 68 Address of Judgment Creditor(s) or Assignee(s) _____
 69 Phone number of Judgment Creditors(s) or Assignee(s)(if available) _____
 70 Name of Judgment Creditor(s) or Assignee(s)' attorney or agent _____
 71 Address of Creditor(s) or Assignee(s)' attorney or agent _____
 72 Name of Debtor(s) _____

73 I/we, the ~~judgment lien creditor(s)~~ undersigned judgment creditor(s) agent of judgment
 74 creditor(s) attorney for judgment creditor(s), do hereby certify that the aforementioned judgment lien
 75 be extended 10 years from the date of my/our endorsement upon this certificate.

76 ~~Judgment Creditor/Attorney in Fact/Agent~~ Judgment creditor(s) or assignee(s) agent of
 77 judgment creditor(s) or assignee(s) attorney for judgment creditor(s) or assignee(s):
 78 _____

79 Commonwealth of Virginia

80 County/City of _____

81 Subscribed, sworn to and acknowledged before me by

82 _____ this ____ day of _____, 20 ____

83 My Commission expires: _____

84 Notary Public: _____

85 #