

House Engrossed

writ of execution; judgments; renewal

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HOUSE BILL 2730

AN ACT

AMENDING SECTIONS 12-1551, 12-1611 AND 12-1612, 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; applicability

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

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

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

18 D. This section applies to:

19 1. All judgments that were entered on or after ~~August 3, 2013~~ JULY
20 1, 2012.

21 2. All judgments that were entered on or before ~~August 2, 2013~~ JUNE
22 30, 2012 and that were renewed on or before ~~August 2, 2018~~ JUNE 30, 2017,
23 except that a writ of execution or other process may not be issued for a
24 judgment entered on or before ~~August 2, 2013~~ JUNE 30, 2012 that was not
25 renewed on or before ~~August 2, 2018~~ JUNE 30, 2017.

26 E. This section does not apply to:

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

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

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

33 4. Civil judgments obtained by this state that are either of the
34 following:

35 (a) Entered on or after September 13, 2013.

36 (b) Entered before September 13, 2013 and that were current and
37 collectable under the laws applicable on September 13, 2013.

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

40 12-1611. Renewal by action

41 A judgment may be renewed by action thereon at any time within ten
42 years after the date of the judgment, except that an action may not be
43 brought to renew a judgment entered on or before ~~August 2, 2013~~ JUNE 30,
44 2012 that was not renewed on or before ~~August 2, 2018~~ JUNE 30, 2017.

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

3 12-1612. Renewal by affidavit

4 A. A judgment for the payment of money that has been entered and
5 docketed in the civil docket or civil order book of the United States
6 district court or superior court, whether originally rendered by it or
7 entered on a transcript of judgment from another court, or recorded with
8 the county recorder, may be renewed by filing an affidavit for renewal
9 with the clerk of the proper court, except that an affidavit for renewal
10 may not be filed to renew a judgment entered on or before ~~August 2, 2013~~
11 JUNE 30, 2012 unless that judgment was renewed on or before ~~August 2, 2018~~
12 JUNE 30, 2017.

13 B. The judgment creditor or the judgment creditor's personal
14 representative or assignee, within ninety days preceding the expiration of
15 ten years from the date of entry of such judgment, may make and file an
16 affidavit, known as a renewal affidavit, entitled as in the action setting
17 forth:

18 1. The names of the parties, the name of the court in which
19 docketed, if recorded the name of the county in which recorded, the date
20 and amount of the judgment, if recorded, the number and page of the book
21 in which recorded by the county recorder, the name of the owner of the
22 judgment, and the owner's source and succession of title, if not the
23 judgment creditor.

24 2. That no execution is anywhere outstanding and unreturned on the
25 judgment, or if any execution is outstanding, that fact shall be stated.

26 3. The date and amount of all payments on the judgment and that all
27 payments have been duly credited on the judgment.

28 4. That there are no setoffs or counterclaims in favor of the
29 judgment debtor, and if a counterclaim or setoff does exist in favor of
30 the judgment debtor, the amount thereof, if certain, or, if the
31 counterclaim or setoff is unsettled or undetermined, a statement that when
32 it is settled or determined by action or otherwise, it may be allowed as a
33 payment or credit on the judgment.

34 5. The exact amount due on the judgment after allowing all setoffs
35 and counterclaims known to affiant, and other facts or circumstances
36 necessary to a complete disclosure as to the exact condition of the
37 judgment.

38 C. If the judgment was docketed by the clerk of the court on a
39 certified copy from any other court and subsequently an abstract recorded
40 with the county recorder, the affidavit, in addition to the foregoing,
41 shall set forth a statement of each county in which such transcript has
42 been docketed and abstract recorded. The affidavit shall be verified
43 positively by the person making it, and not on information and belief.

44 D. The filing of the affidavit in the office of the clerk of the
45 court where the judgment is entered and docketed shall renew and revive

1 the judgment to the extent of the balance shown due in the affidavit. An
2 order of the court, or other action by a judge, is not necessary to
3 complete the renewal.

4 E. Additional and successive renewal affidavits as provided for in
5 subsection B of this section may be made and filed within ninety days of
6 expiration of ten years from the date of the filing of a prior renewal
7 affidavit.

8 F. Recorded judgments that have been timely renewed by a renewal
9 affidavit and successive affidavits, even if such successive affidavits
10 were not authorized by prior law, may be renewed as provided in this
11 section if the prior renewal affidavits were filed within ninety days from
12 the expiration of each successive ten year period.