

PROPOSED
SENATE AMENDMENTS TO S.B. 1431
(Reference to printed bill)

1 Page 1, between lines 1 and 2, insert:

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.

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

24 E. This section does not apply to:

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

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

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

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

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

8 4. JUDGMENTS DIRECTING THE SALE OF PROPERTY PURSUANT TO TITLE 42,
9 CHAPTER 18, ARTICLE 6."

10 Renumber to conform

11 Page 1, lines 10 and 11, strike "OR THE SALE OF THE PROPERTY FOR EXCESS PROCEEDS
12 PURSUANT TO ARTICLE 6 OF THIS CHAPTER"

13 Line 18, after "OR" insert "ENTRY OF A JUDGMENT DIRECTING"

14 Line 19, strike the second period, insert:

15 "Sec. 3. Section 42-18202, Arizona Revised Statutes, is amended to
16 read:

17 42-18202. Notice

18 A. At least thirty days before filing an action to foreclose the
19 right to redeem under this article, but not more than one hundred eighty
20 days before such an action is commenced or may be commenced under section
21 42-18201, the purchaser shall send notice of intent to file the foreclosure
22 action by certified mail to:

23 1. The property owner of record according to the records of the
24 county recorder in the county in which the property is located or to all of
25 the following:

26 (a) The property owner, as determined by section 42-13051, at the
27 property owner's mailing address according to the records of the county
28 assessor in the county in which the property is located.

29 (b) The situs address of the property, if shown on the tax roll and
30 if different from the property owner's address under subdivision (a) of
31 this paragraph.

1 (c) The tax bill mailing address according to the records of the
2 county treasurer in the county in which the property is located if that
3 address is different from the addresses under subdivisions (a) and (b) of
4 this paragraph.

5 2. The treasurer of the county in which the real property is
6 located. The county treasurer may not accept partial payments under section
7 42-18056, subsection C after the date the treasurer receives a notice of
8 action to foreclose the right to redeem.

9 B. The notice shall include:

- 10 1. The property owner's name.
- 11 2. The real property tax parcel identification number.
- 12 3. The county assessor's description of the real property.
- 13 4. The certificate of purchase number.
- 14 5. The proposed date of filing the action.

15 6. THE FOLLOWING STATEMENT IN SUBSTANTIALLY THE FOLLOWING FORM:

16 NOTICE: IF YOU BELIEVE THAT YOUR PROPERTY HAS VALUE
17 BEYOND THE TAX BURDEN ON THE PROPERTY AND YOU DO NOT WANT TO
18 LOSE ANY INTEREST OR EQUITY IN THE PROPERTY, YOU MUST REQUEST
19 AN EXCESS PROCEEDS SALE PURSUANT TO SECTION 42-18204, ARIZONA
20 REVISED STATUTES.

21 C. If the purchaser:

22 1. Complies with subsection A, paragraph 1, subdivisions (a), (b)
23 and (c) of this section, the purchaser is considered to have substantially
24 complied with the requirements of this section and is not required to send
25 the notice to any other address.

26 2. Fails to send the notice required by this section, the purchaser
27 is considered to have substantially failed to comply with this section. A
28 court may not enter any judgment to foreclose the right to redeem under
29 this article until the purchaser sends the notice required by this
30 section."

31 Renumber to conform

32 Page 1, line 24, strike "LEIN" insert "LIEN"

1 Page 1, line 40, after "SECTION" insert "AND ANY OTHER REASONABLE FEES AS
2 DETERMINED BY THE COURT"

3 Line 45, strike "A DE MINIMIS AMOUNT" insert "\$2,500"

4 Page 2, strike lines 18 through 20

5 Reletter to conform

6 Line 21, after "RECORDED" insert "STATE"

7 Line 35, strike "~~or equitable~~" insert "or equitable"

8 Page 3, between lines 18 and 19, insert:

9 "Sec. 6. Section 42-18206, Arizona Revised Statutes, is amended to
10 read:

11 42-18206. Redemption during pendency of action to foreclose

12 Any person who is entitled to redeem under article 4 of this chapter
13 may redeem at any time before judgment is entered, notwithstanding that an
14 action to foreclose has been commenced, but if the person ~~who redeems has~~
15 ~~been served personally or by publication in the action, or if the person~~
16 ~~became an owner after the action began and~~ redeems after a notice is
17 recorded pursuant to section 12-1191, judgment shall be entered in favor of
18 the plaintiff against the person for the costs incurred by the plaintiff,
19 including ALL OF THE FOLLOWING:

20 1. THE COST OF A LITIGATION GUARANTEE OR OTHER INSURED TITLE REPORT.

21 2. THE COST OF IDENTIFYING INTERESTS OF RECORD.

22 3. Reasonable attorney fees to be determined by the court."

23 Renumber to conform

24 Line 27, strike "OR" insert a comma; after "FIRM" insert "OR A SPECIAL MASTER
25 APPOINTED BY THE COURT"

26 Line 35, after "2." insert "IF THE PROPERTY IS REASONABLY ACCESSIBLE,"

27 Page 4, strike lines 8 through 33, insert:

28 "5. SENDING THE NOTICE TO THE PROPERTY OWNERS NOTIFIED PURSUANT TO
29 SECTION 42-18202."

30 Line 36, strike "EARLIER" insert "LATER"

1 Page 5, line 34, strike "THIS SUBSECTION DOES"

2 Strike lines 35 and 36

3 Line 42, strike "EARLIER" insert "LATER"

4 Page 7, between lines 6 and 7, insert:

5 "G. EXCEPT FOR THE ASSESSMENTS PROVIDED IN SECTION 42-18204,
6 SUBSECTION D AND PROPERTY TAX LIENS ON THE PROPERTY, A SALE CONCLUDED UNDER
7 THIS ARTICLE EXTINGUISHES ANY OTHER LIENS AND ENCUMBRANCES HELD BY THIS
8 STATE ON THE PROPERTY, WHETHER SATISFIED OR NOT FROM THE PROCEEDS OF THE
9 SALE. TO THE EXTENT NOT SATISFIED FROM THE PROCEEDS OF THE SALE, LIENS AND
10 ENCUMBRANCES HELD BY THIS STATE AS TO THE TAXPAYER AND THE TAXPAYER'S OTHER
11 PROPERTY ARE NOT AFFECTED."

12 Page 8, line 40, after "COSTS" insert "OF"

13 Line 44, strike the second comma insert "AND"; strike ", (d) AND (e)"

14 Page 9, line 1, strike "LIEN OR" insert "PROPERTY TAX LIEN, OTHER THAN THIS
15 STATE, AND"

16 Line 4, strike "42-18024" insert "42-18204"; strike "(f)" insert "(d),
17 ADJUSTED BY ANY LIEN OR ENCUMBRANCE AMOUNT THAT HAS BEEN PAID OR INCREASED
18 DUE TO DELINQUENCIES SINCE THE TITLE REPORT WAS PROVIDED TO THE COURT"

19 Line 6, after the period insert "THE PROPERTY OWNER IS NOT REQUIRED TO BE
20 PRESENT AT THE EXCESS PROCEEDS SALE IN ORDER TO RECEIVE THE PROPERTY
21 OWNER'S DISTRIBUTION OF PROCEEDS FROM THE SALE UNDER THIS SUBSECTION."

22 Amend title to conform

J.D. MESNARD

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