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HOUSE BILL NO. 1234

Offered January 19, 2022

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

Patron—Head

Committee Referral Pending

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 of the right to enforce such judgment lien for 10 years from the date of the recordation of the certificate. A judgment creditor *or his assignee* may record one additional extension by recording ~~another~~ *a second* certificate in the form provided in subsection G prior to the expiration of ~~the original 10-year extension~~ *of the limitation period provided by the prior certificate of extension*, which shall extend the limitations of the right to enforce such judgment lien for 10 years from the date of recordation of the second certificate. *After a judgment has been extended in this manner twice, it may be extended in the same manner for additional 10-year periods only upon motion of the judgment creditor or his assignee in a circuit court in which the judgment is docketed or recorded as a lien, with notice to the judgment debtor, and an order of such court granting leave to the judgment creditor or his assignee to file such certificate of extension. Such motion shall be made within 10 years from the date of the recordation of the certificate last extending the limitations period, and the motion shall be granted unless the court finds that good cause has been shown for not allowing such extension.*

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

C. No suit shall be brought to enforce the lien of any judgment *dated, extended, or renewed prior to July 1, 2021*, including judgments in favor of the Commonwealth, upon which the right to issue an execution or bring an action is barred by other subsections of this section, nor shall any suit be brought to enforce the lien of any *such* judgment against the lands ~~which~~ *that* have been conveyed by the judgment debtor to a grantee for value, unless the same be brought within ~~five~~ *10* years from the due recordation of the deed from such judgment debtor to such grantee and unless a notice of lis pendens shall have been recorded in the manner provided by § 8.01-268 before the expiration of such ~~five-year~~ *10-year* period. *No suit shall be brought to enforce the lien of any judgment dated, extended, or renewed on or after July 1, 2021, including judgments in favor of the Commonwealth, upon which the right to issue an execution or bring an action is barred by other subsections of this section, nor shall any suit be brought to enforce the lien of any such judgment against the lands that have been conveyed by the judgment debtor to a grantee for value, unless the same be brought within five years from the due recordation of the deed from such judgment debtor to such grantee and unless a notice of lis*

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pendens shall have been recorded in the manner provided by § 8.01-268 before the expiration of such five-year period.

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

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

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

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

CERTIFICATE OF EXTENSION OF LIMITATION OF RIGHT TO ENFORCE JUDGMENT LIEN

Place of Record _____

Date Judgment Docketed _____

Judgment Lien Book _____ Book Page _____

Name of *Judgement* Creditor(s) or Assignee(s) _____

Address of *Judgement* Creditor(s) or Assignee(s) _____

Phone number of *Judgement* Creditors(s) or Assignee(s)(if available) _____

Name of *Judgement* Creditor(s) or Assignee(s)' attorney or agent _____

Address of Creditor(s) or Assignee(s)' attorney or agent _____

Name of Debtor(s) _____

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

~~Judgment Creditor/Attorney-in-Fact/Agent~~ [] *Judgement creditor(s) or assignee(s)* [] *agent of judgement creditor(s) or assignee(s)* [] *attorney for judgement creditor(s) or assignee(s)*:

Commonwealth of Virginia

County/City of _____

Subscribed, sworn to and acknowledged before me by

_____ this _____ day of _____, 20 ____

My Commission expires: _____

Notary Public: _____