

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: S2/24/11

A Bill

HOUSE BILL 1305

5 By: Representatives Williams, Shepherd
6 By: Senators Luker, J. Hutchinson
7

For An Act To Be Entitled

9 AN ACT TO CLARIFY THE REQUIREMENTS TO REVIVE A
10 JUDGMENT AND PERFECT THE JUDGMENT LIEN; AND FOR OTHER
11 PURPOSES.
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Subtitle

15 TO CLARIFY THE REQUIREMENTS TO REVIVE A
16 JUDGMENT AND PERFECT THE JUDGMENT LIEN.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code Title 16, Chapter 65, is amended to revise
22 the following subchapters:

23 16-65-501. Scire facias.

24 (a) The plaintiff or his or her legal representatives ~~may~~, at any time
25 before the expiration of the lien ~~on any of a judgment~~, may sue out a scire
26 facias to revive the judgment.

27 (b) The scire facias shall be served on the defendant or his or her
28 legal representatives, terre-tenants, or other person occupying the land, and
29 may be directed to and served in any county in this state.

30 (c)(1) If the defendant cannot be found, the court shall make an order
31 briefly setting forth the nature of the case and requiring all persons
32 interested to appear on a date set by the court and show cause why the
33 judgment or decree should not be revived and lien continued.

34 (2) A copy of the order shall be put up for four (4) weeks at
35 the courthouse door of the county in which the judgment or decree may have
36 been rendered.



1 (d) If upon service or publication of the scire facias, as required in
2 subsection (c) of this section, the defendant or any other person interested
3 does not appear and show cause why such judgment or decree shall not be
4 revived, the judgment shall be revived and the lien continued for another
5 period of ten (10) years and so on from time to time as often as may be
6 necessary.

7 (e) If a scire facias is sued out before the termination of the lien
8 of any judgment or decree, the lien of the judgment revived shall have
9 relation to the day on which the scire facias issued. ~~However, if the lien of~~
10 ~~any judgment or decree has expired before suing out the scire facias, the~~
11 ~~judgment of revival shall be only a lien from the time of the rendition of~~
12 ~~the judgment.~~

13 (f) No scire facias to revive a judgment shall be issued except within
14 ten (10) years from the date of the rendition of the judgment, or if the
15 judgment shall have been previously revived, then within ten (10) years from
16 the order of revivor.

17 (g)(1) Unless before the expiration of a judgment the notice under
18 subdivision (g)(2) of this section is recorded in the real property records
19 of a county other than the county in which an action under this section is
20 filed:

21 (A) A scire facias to revive the judgment is not effective
22 in the county other than the county in which an action under this section is
23 filed; and

24 (B) (i) A recorded judgment lien may not be revived
25 against real property in the county other than the county in which an action
26 under this section is filed.

27 (ii) This subdivision (g)(1)(B) does not prevent a
28 judgment creditor from registering a judgment or recording a judgment lien in
29 a new county after a judgment is obtained or revived.

30 (2) The notice shall include with respect to the action:

31 (A) The names of the judgment debtors and judgment
32 creditors;

33 (B) The name of the court and case number in which the
34 judgment was rendered;

35 (C) The name of the county in which the petition for a
36 writ of scire facias was filed;

- 1 (D) The date on which the petition was filed; and
- 2 (E) A statement that the filing party intends to maintain
- 3 its judgment lien against any property of the judgment debtor located in the
- 4 county in which the notice is filed.

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6 SECTION 2. Arkansas Code § 16-65-117(d), concerning the duration of a

7 judgment lien, is amended to read as follows:

8 (d)(1) The liens authorized by this section shall continue in force

9 for ten (10) years from the date of the judgment and may be revived under §

10 16-65-501.

11 (2) A Except as provided in § 16-65-501, a transcript of the

12 judgment of revivor, when filed in other counties, shall have the same and

13 like effect as a judgment of revivor has in the county in which it is

14 rendered.

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16 */s/Williams*

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19 **APPROVED: 03/09/2011**

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