

## CHAPTER 21

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**COURTS**


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**SENATE BILL 02-084**

BY SENATOR(S) Takis;  
also REPRESENTATIVE(S) Hodge and Weddig.

**AN ACT****CONCERNING REAL PROPERTY SUBJECT TO JUDICIAL PROCESS.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** 13-52-102 (1), (2) (a), and (2) (b) (II), Colorado Revised Statutes, are amended, and the said 13-52-102 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

**13-52-102. Property subject to execution - lien - real estate.** (1) All goods and chattels, lands, tenements, and real estate of every person against whom any judgment is obtained in any court of record IN THIS STATE, either at law or in equity, OR AGAINST WHOM ANY FOREIGN JUDGMENT IS FILED WITH THE CLERK OF ANY COURT OF THIS STATE IN ACCORDANCE WITH THE PROVISIONS OF THE "UNIFORM ENFORCEMENT OF FOREIGN JUDGMENTS ACT" PURSUANT TO ARTICLE 53 OF THIS TITLE, WHICH JUDGMENT, IN EITHER CASE, IS FOR ANY DEBT, DAMAGES, COSTS, OR OTHER SUM OF MONEY ARE LIABLE TO BE SOLD ON EXECUTION TO BE ISSUED UPON SUCH JUDGMENT. ~~The~~ A transcript of the ~~docket entry of any judgment in the~~ RECORD OF SUCH judgment, ~~docket,~~ certified by the clerk OF SUCH COURT, may be ~~filed with the recorder of~~ RECORDED IN any county; and from the time of ~~filing~~ RECORDING such transcript, AND NOT BEFORE, the judgment shall become a lien upon all the real ~~property of such judgment debtor~~ ESTATE, not exempt from execution in ~~such county~~ THE COUNTY WHERE SUCH TRANSCRIPT OF JUDGMENT IS RECORDED, owned by such judgment debtor or which such judgment debtor may afterwards acquire IN SUCH COUNTY, until ~~said~~ SUCH lien expires. The lien OF SUCH JUDGMENT shall ~~continue for~~ EXPIRE six years ~~from~~ AFTER the entry of judgment unless, ~~the judgment is previously satisfied. If the underlying judgment is~~ PRIOR TO THE EXPIRATION OF SUCH SIX-YEAR PERIOD, SUCH JUDGMENT IS REVIVED AS PROVIDED BY LAW AND A TRANSCRIPT OF THE JUDGMENT RECORD OF SUCH REVIVED JUDGMENT, CERTIFIED BY THE CLERK OF THE COURT IN WHICH SUCH REVIVED JUDGMENT WAS ENTERED, IS RECORDED IN THE SAME

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

COUNTY IN WHICH THE TRANSCRIPT OF THE ORIGINAL JUDGMENT WAS RECORDED, IN WHICH EVENT THE LIEN SHALL CONTINUE FOR SIX YEARS FROM THE ENTRY OF THE REVIVED JUDGMENT. A LIEN MAY BE OBTAINED WITH RESPECT TO A REVIVED JUDGMENT IN THE SAME MANNER AS AN ORIGINAL JUDGMENT AND THE LIEN OF A REVIVED JUDGMENT MAY BE CONTINUED IN THE SAME MANNER AS THE LIEN OF AN ORIGINAL JUDGMENT. THE LIEN OF ANY JUDGMENT SHALL EXPIRE IF THE JUDGMENT IS SATISFIED OR CONSIDERED AS SATISFIED AS PROVIDED IN THIS SECTION. THE LIEN CREATED BY RECORDING A NOTICE OF LIEN OF a judgment for child support or maintenance or arrears thereof or child support debt ~~or for restitution, the lien shall remain in effect for the life of the judgment without the necessity of renewal every six years. Upon satisfaction of the judgment for child support or maintenance or arrears thereof or child support debt or restitution, the delegate child support enforcement unit, or the party filing the lien, shall promptly file a satisfaction of the lien with the recorder of such county~~ PURSUANT TO SECTION 14-10-122, C.R.S., SHALL BE GOVERNED BY SUCH SECTION. THE LIEN CREATED BY RECORDING A TRANSCRIPT OF AN ORDER FOR RESTITUTION PURSUANT TO SECTION 16-18.5-104 (5) (a), C.R.S., SHALL BE GOVERNED BY ARTICLE 18.5 OF TITLE 16, C.R.S.

(2) (a) ~~In case the party in whose favor any such judgment has been entered is restrained, by an injunction or order of any court, either from issuing execution or selling thereon and has filed for record in the office of the recorder of the county in which such transcript of judgment has been filed a copy of said injunction or order, duly certified under the seal of the court in which the same was rendered, then, from the time of the filing of such certified copy, the time during which he is so restrained shall not be deemed or considered as any part of said six years. Except as provided in paragraph (b) of this subsection (2), execution may issue on such ANY judgment DESCRIBED IN SUBSECTION (1) OF THIS SECTION to enforce the same at any time within twenty years from the entry thereof, but not afterwards, unless revived as provided by law, and, after twenty years from the entry of final judgment in any court of this state, the judgment shall be considered as satisfied in full, unless so revived.~~

(b) (II) The twenty year limitation contained in paragraph (a) of this subsection (2) shall not apply to judgments entered for restitution pursuant to article 18.5 of title 16, C.R.S. Execution may issue on judgments for restitution at any time until paid in full. ~~except that the lien created by the recording of a transcript of the order for restitution pursuant to section 16-18.5-104 (5) (a), C.R.S., shall be valid for a period of twenty years from recording unless a subsequent transcript is recorded pursuant to section 16-18.5-104 (5) (a) (II) (A), C.R.S.~~

(c) IF, AFTER THE DATE THAT A TRANSCRIPT OF JUDGMENT IS RECORDED IN A COUNTY, SOME PORTION OR ALL OF SUCH COUNTY IS MERGED WITH, ANNEXED TO, OR OTHERWISE BECOMES PART OF SOME OTHER COUNTY OR CITY AND COUNTY, WHETHER THEN EXISTING OR NEWLY FORMED, THEN:

(I) IT SHALL NOT BE NECESSARY TO RECORD THE TRANSCRIPT OF JUDGMENT IN SUCH OTHER COUNTY OR CITY AND COUNTY IN ORDER TO CONTINUE THE LIEN OF THE JUDGMENT AND THE PRIORITY THEREOF AS TO ANY REAL ESTATE THAT THE JUDGMENT DEBTOR ACQUIRED BEFORE OR ACQUIRES AFTER THE DATE OF RECORDING OF THE TRANSCRIPT OF JUDGMENT IF SUCH REAL ESTATE WAS IN THE COUNTY IN WHICH THE TRANSCRIPT OF JUDGMENT WAS RECORDED ON OR AFTER THE DATE OF RECORDING OF THE TRANSCRIPT OF JUDGMENT; AND

(II) IF SUCH JUDGMENT IS REVIVED AS PROVIDED BY LAW, TIMELY RECORDING OF A TRANSCRIPT OF THE REVIVED JUDGMENT IN SUCH OTHER COUNTY OR CITY AND COUNTY IS NECESSARY TO CONTINUE THE LIEN OF THE ORIGINAL JUDGMENT AND THE PRIORITY THEREOF WITH RESPECT TO ANY REAL ESTATE THAT WAS IN THE COUNTY IN WHICH THE TRANSCRIPT OF THE ORIGINAL JUDGMENT WAS RECORDED ON OR AFTER THE DATE OF RECORDING THE TRANSCRIPT OF THE ORIGINAL JUDGMENT BUT, AT THE TIME OF RECORDING OF THE TRANSCRIPT OF THE REVIVED JUDGMENT, IS IN SUCH OTHER COUNTY OR CITY AND COUNTY.

**SECTION 2.** 13-52-104, Colorado Revised Statutes, is amended to read:

**13-52-104. Transcript of federal judgment filed - lien.** (1) A transcript of the docket entry of any judgment or decree, ~~rendered~~ EITHER AT LAW OR IN EQUITY, FOR ANY DEBT, DAMAGES, COSTS, OR OTHER SUM OF MONEY, ENTERED OR REGISTERED in any district ~~or circuit~~ court of the United States within this state, duly certified by the clerk of such district ~~or circuit~~ court of the United States, may be ~~filed with the recorder of deeds of~~ RECORDED in any county in the same manner as the transcript of the ~~docket entry~~ JUDGMENT RECORD of any SIMILAR judgment of the court of general jurisdiction of this state may be ~~filed~~ RECORDED.

(2) From the ~~date~~ TIME of the ~~file~~ RECORDING of such transcript, and not before, such judgment or decree shall be a lien upon all the real estate ~~of the judgment debtor~~, not exempt from execution in ~~such county~~ THE COUNTY WHERE SUCH TRANSCRIPT OF JUDGMENT IS RECORDED, owned by ~~him~~ THE JUDGMENT DEBTOR or which ~~he~~ THE JUDGMENT DEBTOR may afterwards acquire in ~~the county where such transcript of judgment is so recorded~~ SUCH COUNTY, in the same manner and to the same extent and under the same conditions as if such judgment or decree had been ~~rendered~~ ENTERED by a court of general jurisdiction of this state.

**SECTION 3.** 38-35-110 (1), Colorado Revised Statutes, is amended to read:

**38-35-110. Lis pendens as notice - issuance of certificate - expiration.** (1) After filing any pleading in an action IN ANY COURT OF RECORD OF THIS STATE OR IN ANY DISTRICT COURT OF THE UNITED STATES WITHIN THIS STATE wherein relief is claimed affecting the title to real property, any party to such action may record in the office of the county clerk and recorder in the county or counties in which the real property or any portion thereof is situated a notice of lis pendens containing the name of the court where such action is pending, the names of the parties to such action at the time of such recording, and a legal description of the real property. The failure to name a party or describe a portion of the real property in such notice shall not affect the sufficiency of such notice, or the sufficiency of an extension of such notice pursuant to the provisions of subsection (4) of this section, as to the interest of the parties named in such notice or in such extension in the real property described therein. From the time of recording, such notice of lis pendens shall be notice to any person thereafter acquiring, by, through, or under any party named in such notice, an interest in the real property described in the notice in the county or counties where recorded that the interest so acquired may be affected by the action described in the notice.

**SECTION 4.** 38-35-111 (3), Colorado Revised Statutes, is amended to read:

**38-35-111. Option to purchase - notice for one year only.** (3) If A NOTICE OF LIS PENDENS CONFORMING TO THE REQUIREMENTS OF SECTION 38-35-110 IS RECORDED prior to the expiration of ~~said~~ THE ONE-YEAR period, ~~legal notice of the pendency of an action is filed for record~~ such instrument and ~~lis pendens~~ shall continue to be notice until ~~three months after the final termination or disposition of the suit~~ THE LATER OF THE EXPIRATION OF SUCH PERIOD OR THE DATE THE LIS PENDENS CEASES TO BE IN EFFECT OR EXPIRES AND CEASES TO BE NOTICE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 38-35-110.

**SECTION 5. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 21, 2002