

1 AN ACT relating to judgment liens.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 426.720 is amended to read as follows:

4 (1) A final judgment for the recovery of money or costs in the courts of record in this
5 Commonwealth, whether state or federal, shall act as a lien upon all real estate in
6 which the judgment debtor has any ownership interest, in any county in which the
7 following first shall be done:

8 (a) The judgment creditor, or ***the judgment creditor's***~~his~~ counsel, shall file with
9 the county clerk of any county a notice of judgment lien containing:

10 **1.** The court of record entering the ***final*** judgment;~~;~~

11 **2.** The civil action number of the suit in which the ***final*** judgment was
12 entered;~~;~~

13 **3.** ***The date the final judgment was entered by the court of record;*** and

14 **4.** The amount of the ***final*** judgment, including principal, interest rate,
15 court costs, and any attorney fees;

16 (b) The county clerk shall enter the notice in the lis pendens records in that office,
17 and shall so note the entry upon the original of the notice;

18 (c) The judgment creditor, or ***the judgment creditor's***~~his~~ counsel, shall send to
19 the last known address of the judgment debtor or the judgment debtor's
20 attorney of record, by regular first class mail, postage prepaid, or shall deliver
21 to the debtor personally, a copy of the notice of judgment lien, which notice
22 shall include the text of KRS 427.060 and also the following notice, or
23 language substantially similar:

24 "Notice to Judgment Debtor. You may be entitled to an exemption under KRS
25 427.060, reprinted below. If you believe you are entitled to assert an
26 exemption, seek legal advice."; and

27 (d) The judgment creditor, or ***the judgment creditor's***~~his~~ counsel, shall certify

1 on the notice of judgment lien that a copy thereof has been mailed to the
2 judgment debtor in compliance with paragraph (c) of this subsection.

3 (2) Except as provided in subsection (3) of this section, a lien created under this
4 section:

5 (a) Before the effective date of this Act, shall expire upon the earlier of:

6 1. The expiration of the limitations period for the underlying final
7 judgment under KRS 413.090; or

8 2. Fifteen (15) years after the effective date of this Act; and

9 (b) On or after the effective date of this Act, shall expire fifteen (15) years after
10 the date the final judgment was entered by the court of record.

11 (3) (a) The expiration of a judgment lien under subsection (2) of this section shall
12 be postponed if, and only if, prior to the date of expiration:

13 1. A proceeding is filed in a court of record in this Commonwealth,
14 whether state or federal, to enforce the judgment lien; and

15 2. The judgment creditor, or the judgment creditor's counsel, files a
16 notice of the judgment lien enforcement proceeding, which contains
17 the information listed in paragraph (b) of this subsection, in the
18 county where the notice of judgment lien is lodged for record.

19 (b) The notice required under paragraph (a) of this subsection shall contain the
20 following information:

21 1. The court of record in which the proceeding was filed;

22 2. The type of proceeding filed;

23 3. The case number of the proceeding;

24 4. The date the proceeding was filed; and

25 5. A certification by the person filing the notice that he or she will
26 comply with paragraph (d) of this subsection.

27 (c) A judgment lien whose expiration has been postponed under this subsection

- 1 shall expire on the following date:
- 2 1. The date a final judgment is entered in the proceeding to enforce the
- 3 judgment lien; or
- 4 2. The date the proceeding to enforce the judgment lien is dismissed.
- 5 (d) Within five (5) days of the date of expiration under paragraph (c) of this
- 6 subsection, the judgment creditor, or the judgment creditor's counsel, shall
- 7 file a notice in the county where the notice of judgment lien is lodged for
- 8 record. The notice shall contain:
- 9 1. The information about the proceeding contained in the notice filed
- 10 under paragraph (a) of this subsection; and
- 11 2. The judgment lien expiration date as provided under paragraph (c) of
- 12 this subsection.

13 (4) In any action involving real property which is subject to a judgment lien, service
14 may be had upon the judgment creditor by serving the judgment creditor or the
15 judgment creditor's attorney as shown in the notice of judgment lien.