

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~~  
17 ~~office, 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 ***judgment*** debtor personally, a copy of the notice of judgment lien,  
22 which notice shall include:

23 ***1.*** The text of KRS 427.060; ~~and~~~~also~~

24 ***2.*** The following notice, or language substantially similar:

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

1        ~~(c)~~~~(d)~~     The judgment creditor, or ***the judgment creditor's***~~[his]~~ counsel, shall  
2                    certify on the notice of judgment lien that a copy thereof has been mailed to  
3                    the judgment debtor in compliance with paragraph ~~(b)~~~~(e)~~ of this subsection.

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

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

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

9                    ***2. Ten (10) years after the effective date of this Act; and***

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

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

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

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

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

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

23                    ***2. The type of proceeding filed;***

24                    ***3. The case number of the proceeding;***

25                    ***4. The date the proceeding was filed; and***

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

1 (c) A judgment lien whose expiration has been postponed under this subsection  
2 shall expire on the following date:

3 1. The date a final judgment is entered in the proceeding to enforce the  
4 judgment lien; or

5 2. The date the proceeding to enforce the judgment lien is dismissed.

6 (d) Within five (5) days of the date of expiration under paragraph (c) of this  
7 subsection, the judgment creditor, or the judgment creditor's counsel, shall  
8 file a notice in the county where the notice of judgment lien is lodged for  
9 record. The notice shall contain:

10 1. The information about the judgment lien enforcement proceeding  
11 contained in the notice filed under paragraph (a) of this subsection;  
12 and

13 2. The judgment lien expiration date, as determined under paragraph (c)  
14 of this subsection.

15 (4) A county clerk shall enter the notices filed under this section in the lis pendens  
16 records of the clerk's office and shall so note the entry upon the original of the  
17 notices.

18 (5) In any action involving real property which is subject to a judgment lien, service  
19 may be had upon the judgment creditor by serving the judgment creditor or the  
20 judgment creditor's counsel~~[attorney]~~ as shown in the notice of judgment lien.