

Senate Bill 501

Sponsored by COMMITTEE ON RULES (at the request of Oregon Law Commission)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Clarifies amounts required to be included in money award portion of judgment.

Provides that separate record maintained by circuit court administrator for judgments that create liens be called judgment lien record.

A BILL FOR AN ACT

1
2 Relating to judgments; creating new provisions; and amending ORS 18.042, 18.058, 18.075, 18.154,
3 18.182, 18.200, 18.205, 18.225, 18.228, 18.235, 46.488, 52.635, 87.450 and 416.440.

4 **Be It Enacted by the People of the State of Oregon:**

MONEY AWARDS

5
6
7
8 **SECTION 1.** ORS 18.042 is amended to read:

9 18.042. (1) The judgment document for a judgment in a civil action that includes a money award
10 must contain a separate section clearly labeled as a money award. Any judgment in a civil action
11 that includes a money award, but does not contain a separate section clearly labeled as a money
12 award, does not create a judgment lien but may be enforced by any other judgment remedy.

13 (2) The separate section required by subsection (1) of this section must include all of the fol-
14 lowing:

15 (a) The name and address of each judgment creditor and the name, address and telephone num-
16 ber of any attorney who represents one or more of the judgment creditors.

17 (b) The name of each judgment debtor and, to the extent known by the judgment creditor:

18 (A) The address of each judgment debtor;

19 (B) The date of birth of each judgment debtor;

20 (C) The Social Security number or tax identification number of each judgment debtor;

21 (D) The driver license number of each judgment debtor and the name of the state that issued
22 the license; and

23 (E) The name of any attorney for each judgment debtor.

24 (c) The name of any person or public body, as defined in ORS 174.109, other than the judgment
25 creditor's attorney, that is known by the judgment creditor to be entitled to any portion of the
26 money award.

27 (d) [*The amount of the money award.*] **The amount of money awarded in the judgment, ex-**
28 **clusive of amounts required to be included in the separate section under paragraphs (e) to**
29 **(h) of this subsection.**

30 (e) Any interest owed as of the date the judgment is entered in the register, either as a specific
31 amount or as accrual information, including the rate or rates of interest, the balance or balances

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 upon which interest accrues, the date or dates from which interest at each rate on each balance
 2 runs, and whether interest is simple or compounded and, if compounded, at what intervals.

3 (f) Information about interest that accrues on the judgment after entry in the register, including
 4 the rate or rates of interest, the balance or balances upon which interest accrues, the date or dates
 5 from which interest at each rate on each balance runs, and whether interest is simple or com-
 6 pounded and, if compounded, at what intervals.

7 (g) For monetary obligations that are payable on a periodic basis, any accrued arrearages, re-
 8 quired further payments per period and payment dates.

9 (h) If the judgment requires the payment of costs and disbursements or attorney fees, a state-
 10 ment indicating that the award is made, any specific amounts awarded, a clear identification of the
 11 specific requests for relief for which any attorney fees are awarded and the amount of attorney fees
 12 awarded for each request for relief.

13 (3) The information required by subsection (2) of this section must be set forth in the money
 14 award section of the judgment document in the same order as the requirements appear in subsection
 15 (2) of this section.

16 (4) The separate section required by subsection (1) of this section must be placed immediately
 17 above the judge’s or court administrator’s signature. The separate section must be clearly labeled
 18 at its beginning as a money award. If the judgment includes a support award, the label of the sep-
 19 arate section must so indicate. Except for information described in ORS 24.290, the separate section
 20 of the judgment document may not contain any provision except the information required by this
 21 section.

22 (5) Notwithstanding subsection (2) of this section, in proceedings under ORS 107.085 and 107.485
 23 the Social Security number of a judgment debtor must be provided by the judgment creditor in the
 24 manner established by the State Court Administrator under ORS 107.840.

25 (6) Notwithstanding subsection (2) of this section, a public body, as defined in ORS 174.109, need
 26 not include the Social Security number or driver license number of a judgment debtor if disclosure
 27 of the Social Security number or driver license number violates federal law or any law of this state.

28 (7) The provisions of this section do not apply to foreign judgments that are filed with a court
 29 under ORS 24.115 or 110.405. If a foreign judgment is filed with the court under ORS 24.115, the
 30 separate statement required by ORS 24.125 must be filed with the foreign judgment.

31
 32 **JUDGMENT LIEN RECORD**

33
 34 **SECTION 2.** ORS 18.075 is amended to read:

35 18.075. (1) A judgment is entered in circuit court when a court administrator notes in the reg-
 36 ister that a judgment document has been filed with the court administrator.

37 (2) Subject to ORS 18.058 (2), when a judge files a judgment document with the court adminis-
 38 trator, the court administrator shall note in the register:

39 (a) That the judgment document has been filed and the day, hour and minute that the judgment
 40 is entered.

41 (b) Whether the judgment is a limited judgment, a general judgment or a supplemental judgment.

42 (c) Whether the judgment includes a money award.

43 (d) Whether the judgment creates a judgment lien under ORS 18.150.

44 (3) If the court administrator notes in the register that a judgment creates a judgment lien, the
 45 court administrator shall note in a [*separate*] **judgment lien** record maintained by the court admin-

1 administrator:

2 (a) The name of all judgment debtors.

3 (b) The name of all judgment creditors.

4 (c) The amount of the money award.

5 (d) Whether the money award includes a support award or an award of restitution.

6 (4) If the court administrator makes a notation of judgment in the *[separate]* **judgment lien** re-
 7 cord *[required by subsection (3) of this section]*, the court administrator shall thereafter also note in
 8 the *[separate]* **judgment lien** record:

9 (a) The date on which any appeal is filed.

10 (b) Whether a supersedeas undertaking, as defined in ORS 19.005, is filed.

11 (c) The date of any decision on appeal.

12 (d) Any execution issued by the court and the return on any execution.

13 (e) Any satisfaction of the judgment, when entered.

14 (f) Other such information as may be deemed necessary by court order or court rule.

15 (5) The court administrator shall enter a judgment in the register within 24 hours after the
 16 judgment document is filed with court administrator, excluding Saturdays and legal holidays. If the
 17 court administrator is not able to enter the judgment within the time prescribed in this subsection,
 18 or fails to do so, the court administrator shall enter the judgment as soon as practicable thereafter.

19 (6) Except as provided in ORS 18.058, and in ORCP 69 B(1) for judgments by default, the court
 20 administrator shall be subject to the direction of the court in entering judgments in the register.

21 (7) The court administrator shall not delay entry of judgment under ORCP 68 for taxation of
 22 attorney fees or costs and disbursements.

23 (8) Administrative orders entered in the register under ORS 416.440 have the effect provided for
 24 in that section.

25 (9) The State Court Administrator shall ensure that the register[,] and the *[separate]* **judgment**
 26 **lien** record *[required by subsection (3) of this section,]* be established and maintained in a uniform
 27 manner in the circuit courts.

28 (10) References in Oregon Revised Statutes to docketing of a judgment are equivalent to entry
 29 of a judgment as described in subsection (1) of this section.

30 (11) This section does not apply to justice courts, municipal courts or county courts performing
 31 judicial functions.

32 **SECTION 3.** ORS 18.058 is amended to read:

33 18.058. (1) Except as provided in subsection (2) of this section, the court administrator shall note
 34 in the register that a judgment document has been filed if the judgment document is signed by a
 35 judge of the court, or by the court administrator if the court administrator is authorized by law to
 36 sign the judgment document, and filed with the court administrator, whether or not the judgment
 37 document complies with the requirements of ORS 18.038, 18.042 and 18.048.

38 (2) If the title of a document filed with the court administrator indicates that the document is
 39 a decree, or indicates that the document is a judgment but fails to indicate whether the judgment
 40 is a limited judgment, general judgment or supplemental judgment, the court administrator may not
 41 note in the register that a judgment document has been filed, and shall return the document to the
 42 judge, unless the judgment is exempt under ORS 18.038 (2).

43 (3) The court administrator may rely on a judgment document for entry of information in the
 44 register. The court administrator is not liable for entering any information in the register that re-
 45 flects information contained in a judgment document, whether or not the information in the judg-

1 ment is correct or properly presented.

2 (4) The court administrator may rely on the presence or absence of a separate section in the
3 judgment document required by ORS 18.042 or 18.048 in determining whether a judgment contains
4 a money award. The court administrator shall enter information in the register[,] and in the [*sepa-*
5 *rate*] **judgment lien** record [*required by ORS 18.075,*] only from the separate section unless other-
6 wise ordered by the court.

7 (5) This section does not apply to justice courts, municipal courts or county courts performing
8 judicial functions.

9 **SECTION 4.** ORS 18.154 is amended to read:

10 18.154. A judgment debtor who appeals a judgment may move the trial court for elimination of
11 the judgment lien created by the judgment. A court may grant a motion under this section if the
12 judgment debtor files a supersedeas undertaking, as defined in ORS 19.005, and provides such addi-
13 tional security as may be required by the court to ensure that adequate amounts will be available
14 to satisfy the judgment if affirmed on appeal. If the court grants the motion, the court administrator
15 shall note in the register[,] and in the [*separate*] **judgment lien** record [*required under ORS*
16 *18.075,*] that the judgment lien has been eliminated.

17 **SECTION 5.** ORS 18.182 is amended to read:

18 18.182. (1) Judgment remedies for a judgment may be extended by filing a certificate of extension
19 in the court that entered the judgment. The court administrator shall enter the certificate in the
20 register of the court and in the [*separate*] **judgment lien** record [*maintained under ORS 18.075*].
21 Except as provided in ORS 18.180 to 18.192, a judgment creditor may file a certificate of extension
22 only if:

23 (a) Judgment remedies for the judgment have not expired under ORS 18.180; and

24 (b) A full satisfaction document for the money award portion of the judgment has not been filed.

25 (2) Notwithstanding subsection (1) of this section, if the judgment debtor has been discharged
26 from debt under federal bankruptcy laws, a certificate of extension may not be filed except as pro-
27 vided in this subsection. Judgments are presumed to have not been discharged in bankruptcy until
28 the judgment debtor establishes that the judgment has been discharged. If the judgment debtor is
29 discharged from a debt, a certificate of extension may be filed if:

30 (a) The debtor owned real property and the judgment lien attached to that property before the
31 filing of the bankruptcy petition;

32 (b) The judgment lien was not avoided by action of the bankruptcy court;

33 (c) The judgment lien has not been discharged under ORS 18.238; and

34 (d) The certificate of extension includes a legal description of the real property and a statement
35 that the extension affects only the lien on the real property described in the certificate.

36 (3) A certificate of extension must be signed by the judgment creditor, or by an attorney who
37 represents the judgment creditor.

38 (4) Subject to ORS 18.190 and 18.192, if a certificate of extension is filed after the date on which
39 the judgment remedies for the judgment expire under ORS 18.180, the certificate has no effect.

40 (5) The judgment remedies for a judgment that are extended under the provisions of this section
41 expire 10 years after the certificate of extension is filed. Judgment remedies for a judgment may be
42 extended only once under the provisions of this section.

43 (6) A certified copy of a certificate of extension, or a lien record abstract for the certificate,
44 may be recorded in any county in which the judgment was recorded under ORS 18.152, with the ef-
45 fect provided by ORS 18.152 (4).

1 (7) Except as provided in ORS 18.185, 18.190 and 18.192, the judgment remedies for the support
 2 award portion of a judgment, and any lump sum money award for unpaid child support installments,
 3 may not be extended under this section.

4 (8) The judgment remedies for a judgment in a criminal action may not be extended under this
 5 section.

6 (9) This section does not apply to justice courts, municipal courts or county courts performing
 7 judicial functions.

8 **SECTION 6.** ORS 18.200 is amended to read:

9 18.200. (1) A judgment creditor may provide a release of lien document to a judgment debtor or
 10 to any other person with an interest in real property to which a judgment lien has attached. The
 11 release of lien document may be for all real property in a county or for a single piece of real
 12 property in a county. A release of lien document may be signed by the judgment creditor, or by any
 13 attorney who represents the creditor. The signature of the judgment creditor or attorney signing a
 14 release of lien document must be witnessed by a notary public.

15 (2) A release of lien document may be filed with the court administrator at any time after a
 16 judgment lien attaches under ORS 18.150. The court administrator shall note in the register and in
 17 the [*separate*] **judgment lien** record [*maintained under ORS 18.075*] that the release of lien document
 18 has been filed, and also shall note whether the release is for all real property in a county or only
 19 for a single piece of real property in a county.

20 (3) A release of lien document may be recorded in any County Clerk Lien Record in which the
 21 judgment was recorded under ORS 18.152.

22 (4) Upon filing or recording under this section, a release of lien document operates to eliminate
 23 any judgment lien arising from the entry or recording of the judgment to the extent reflected in the
 24 document. The filing of a release of lien document does not constitute a full or partial satisfaction
 25 of the judgment.

26 (5) The court administrator may not charge a fee for filing a release of lien document.

27 (6) This section does not apply to justice courts, municipal courts or county courts performing
 28 judicial functions.

29 **SECTION 7.** ORS 18.205 is amended to read:

30 18.205. (1) A judgment creditor may assign all or part of the creditor's rights under a judgment.
 31 An assignment of judgment document must be signed by the judgment creditor, or by an attorney
 32 who represents the judgment creditor. The signature of the judgment creditor or attorney signing
 33 the document must be acknowledged by a notary public. The document may be:

34 (a) Filed with the court administrator for the court in which the judgment was entered, and
 35 upon such filing shall be entered in the register and in the [*separate*] **judgment lien** record [*main-*
 36 *tained under ORS 18.075*]; or

37 (b) Recorded in any County Clerk Lien Record in which the judgment was recorded under ORS
 38 18.152.

39 (2) Upon filing or recording under this section, an assignment of judgment document operates
 40 to assign the judgment creditor's rights under the judgment to the extent reflected in the document.

41 (3) If this or another state is assigned or subrogated to the support rights of a person under
 42 ORS 418.032, 418.042, 419B.406 or 419C.597 or similar statutes of another state, an assignment of
 43 judgment document bearing the signature of the Administrator of the Division of Child Support of
 44 the Department of Justice or the authorized representative of the administrator may be filed or re-
 45 corded in the same manner as an assignment of judgment document under subsection (1) of this

1 section and shall have the same effect as an assignment of judgment document signed by the judg-
2 ment creditor.

3 (4) This section does not apply to justice courts, municipal courts or county courts performing
4 judicial functions.

5 **SECTION 8.** ORS 18.225 is amended to read:

6 18.225. (1) A satisfaction document may be for full or partial satisfaction of a money award. The
7 title of the document must indicate whether the money award has been partially or fully satisfied.
8 A satisfaction document must be signed by the judgment creditor or by an attorney who represents
9 the judgment creditor. The signature of the judgment creditor or attorney signing a satisfaction
10 document must be witnessed by a notary public.

11 (2) When the money award portion of a judgment has been fully satisfied, the judgment creditor
12 must:

13 (a) File a satisfaction document for the full amount of the money award portion of the judgment
14 in the county in which the judgment was entered; and

15 (b) Deliver to the judgment debtor a satisfaction document for the full amount of the money
16 award portion of the judgment for every county in which the judgment has been recorded under ORS
17 18.152.

18 (3) Upon request by a judgment debtor or any person with an interest in real property subject
19 to a judgment lien, a judgment creditor must provide to the judgment debtor a satisfaction document
20 for all amounts credited against a money award as of the date that the satisfaction document is
21 signed.

22 (4) A satisfaction document may be filed with the court administrator at any time after entry
23 of a judgment. The court administrator may not charge a fee for filing a satisfaction document. The
24 court administrator shall note in the register and in the [*separate*] **judgment lien** record [*maintained*
25 *under ORS 18.075*] that the satisfaction document has been filed, and shall note if the document in-
26 dicates that the money award has been fully satisfied.

27 (5) Upon payment of all required fees, the court administrator shall issue a certified copy of any
28 satisfaction document filed with the court administrator and entered in the court register. The cer-
29 tified copy may be recorded in any County Clerk Lien Record in which the judgment was recorded
30 under ORS 18.152.

31 (6) A satisfaction document for a support award that is paid to the Department of Justice may
32 be filed with the court administrator only as provided in ORS 18.228.

33 (7) This section does not apply to justice courts, municipal courts or county courts performing
34 judicial functions.

35 **SECTION 9.** ORS 18.228 is amended to read:

36 18.228. (1) If a support award is paid to the Department of Justice, the judgment creditor may
37 receive credit for satisfaction of the judgment only in the manner provided by this section. The de-
38 partment may provide judgment creditors with forms and instructions for satisfaction of support
39 awards under this section.

40 (2) Any satisfaction document for a support award described in subsection (1) of this section
41 must be mailed to or delivered to the Department of Justice, and not to the court administrator.
42 The department shall credit the amounts reflected in the satisfaction document to the support award
43 pay records maintained by the department. Except as provided in subsection (3) of this section, the
44 department shall not credit amounts against the support award pay records to the extent that the
45 judgment is assigned or subrogated to this or another state. The Department of Justice shall there-

1 after promptly forward the satisfaction document to the court administrator for the court in which
2 the money award was entered, together with a certificate from the department stating the amounts
3 reflected as paid in the support award pay records maintained by the department. The court ad-
4 ministrator shall note in the register as paid only the amount stated in the certificate, and not the
5 amount shown on the satisfaction document.

6 (3) If a support award has been assigned to this state, the Department of Justice may satisfy the
7 support award to the extent of the assignment. The department may credit the amounts reflected in
8 the satisfaction document to the support award pay records maintained by the department and file
9 the satisfaction document with the court administrator for the court in which the money award was
10 entered, together with a certificate from the department stating the amounts reflected as paid in the
11 support award pay records. The court administrator shall note in the register and in the *[separate]*
12 **judgment lien** record *[maintained under ORS 18.075]* the amount of satisfaction shown on the cer-
13 tificate, and not the amount shown on the satisfaction document.

14 (4) Unless a judgment requires that payments under a support award be paid to the Department
15 of Justice or enforcement services are provided pursuant to ORS 25.080, all satisfaction documents
16 for a support award must be filed with the court administrator.

17 **SECTION 10.** ORS 18.235 is amended to read:

18 18.235. (1) A judgment debtor or person with an interest in real property against which a judg-
19 ment lien exists may move the court for an order declaring that a money award has been satisfied
20 or for a determination of the amount necessary to satisfy the money award, when the person cannot
21 otherwise obtain a satisfaction document from a judgment creditor.

22 (2) Motions under this section shall be filed in the action in which the judgment was entered.
23 All proceedings on the motion shall be conducted as part of the action in which the judgment was
24 entered. An appearance fee may not be charged for filing a motion under this section.

25 (3) A motion under this section must include the following information, to the extent known to
26 the person making the motion:

27 (a) The date of entry and principal amount of the money award.

28 (b) The rate of interest and the date the interest commenced to accrue.

29 (c) The date or dates and amounts of any payments on the money award.

30 (d) Any amount that the person believes remains to be paid on the money award, including any
31 supporting mathematical calculations.

32 (e) Any other information necessary or helpful to the court in making its determination.

33 (4) A person making a motion under this section must serve the motion on the judgment credi-
34 tor. If the person making the motion is not the judgment debtor, the person also must serve the
35 motion and supporting affidavit on the judgment debtor. If an assignment of judgment document has
36 been filed with the court under ORS 18.205, the motion must be served on the person named as the
37 assignee of the judgment. Service on the judgment creditor and judgment debtor under this sub-
38 section may be made as provided in ORCP 9 if the motion is filed within one year after entry of the
39 judgment. If the motion is filed more than one year after entry of the judgment, or service is to be
40 made on an assignee of the judgment, the motion may either be personally served as provided in
41 ORCP 7, or be served by certified mail, return receipt requested with signed receipt. The court may
42 waive service on any person under this subsection if the person making the motion files an affidavit
43 with the court stating that the person cannot be found after diligent effort by the person making the
44 motion. The party making the motion shall file proof of service with the court.

45 (5) A person served with a motion under this section must file a response within 21 days after

1 service is made, or within such time as may be allowed by the court. The response must specifically
 2 identify those assertions in the motion that the person contests. The response must contain any in-
 3 formation or mathematical calculations necessary to support the contentions of the responding
 4 party.

5 (6) The court shall hear the motion not less than seven days after notice of hearing is given to
 6 the person filing the motion and to the parties served with the motion. The court shall hear and
 7 determine the issues in a summary fashion without a jury. The court shall give the parties a rea-
 8 sonable opportunity to present evidence relevant to any factual issues.

9 (7) If the court determines that the person making the motion is entitled to relief, the court shall
 10 issue an order providing that the money award has been satisfied in full or, if the money award has
 11 not been satisfied in full, the specific amount that will satisfy the judgment on a specific date or
 12 within a period of time specified in the order.

13 (8) If the court finds that the judgment creditor willfully failed to provide a satisfaction docu-
 14 ment under ORS 18.225, the court may render a supplemental judgment awarding reasonable attor-
 15 ney fees to the person making the motion. The supplemental judgment may provide that the
 16 demanding party may satisfy the judgment by paying such amounts the court determines to be nec-
 17 essary to satisfy the judgment less that sum of money the court awards as attorney fees.

18 (9) If the court finds that the money award has been satisfied, or if the amount specified by the
 19 court is paid to the court administrator within the time specified by the court, the court adminis-
 20 trator shall note in the register and in the [*separate*] **judgment lien** record [*maintained under ORS*
 21 *18.075*] that the money award has been satisfied in full. The court administrator shall deliver any
 22 money paid to the court administrator to the party or parties specified in the court's order.

23 (10) Upon request of the judgment debtor or person making the motion, the court administrator
 24 shall issue a certificate indicating that the money award has been satisfied. The certificate may be
 25 recorded in any County Clerk Lien Record in which the judgment was recorded under ORS 18.152.
 26 Recording of the certificate eliminates any judgment lien that was created by the recording of the
 27 judgment.

28 (11) At least five days before filing a motion under this section, the person must serve by per-
 29 sonal delivery or first class mail a copy of the motion on the Administrator of the Division of Child
 30 Support of the Department of Justice, or on the branch office of the Department of Justice providing
 31 support services to the county in which the motion will be made, if:

32 (a) The motion relates to satisfaction of a support award; and

33 (b) Child support rights, as defined in ORS 25.010, for the judgment creditor have been assigned
 34 to the state.

35 (12) This section does not apply to justice courts, municipal courts or county courts performing
 36 judicial functions.

37 **SECTION 11.** ORS 46.488, as amended by section 78, chapter 737, Oregon Laws 2003, is
 38 amended to read:

39 46.488. (1) A judgment creditor may not create a judgment lien for a judgment entered in the
 40 small claims department of a circuit court if the money award is less than \$10, exclusive of costs
 41 and disbursements. A judgment creditor may create a judgment lien for a judgment entered in the
 42 small claims department of a circuit court in an amount of \$10 or more and less than \$3,000, ex-
 43 clusive of costs and disbursements, only as provided in subsection (3) of this section.

44 (2) If a judgment is rendered in the small claims department in an amount of \$3,000 or more, the
 45 clerk shall note in the register of the circuit court that the judgment creates a judgment lien if the

1 judgment otherwise complies with the requirements of ORS chapter 18 for creating a judgment lien.
2 A judgment creditor may create a lien for the judgment in other counties in the manner provided
3 by ORS 18.152.

4 (3) When a judgment is entered in the small claims department in an amount of \$10 or more and
5 less than \$3,000, exclusive of costs or disbursements, a judgment creditor may at any time before
6 expiration of judgment remedies for the judgment under ORS 18.180 create a judgment lien for the
7 judgment by paying to the clerk of the court that entered the judgment the fees established by ORS
8 21.325 (1) and (2) and requesting that the clerk of the court note in the register[,] and in the [*sepa-*
9 *rate*] **judgment lien** record [*maintained under ORS 18.075,*] that the judgment creates a judgment
10 lien. Upon receipt of the fees and request for creating a judgment lien, the clerk shall note in the
11 register that the judgment creates a judgment lien. Upon entry of the notation in the register, the
12 judgment creates a lien as described in ORS 18.150, and a judgment creditor may create a lien for
13 the judgment in other counties in the manner provided by ORS 18.152.

14 **SECTION 12.** ORS 52.635, as amended by section 81, chapter 737, Oregon Laws 2003, is
15 amended to read:

16 52.635. (1) After a judgment that includes a money award is docketed in a justice court, a cer-
17 tified copy of the judgment or a lien record abstract for the judgment may be recorded in the County
18 Clerk Lien Record for the county that contains the justice court that rendered the judgment. The
19 certified copy or lien record abstract may be recorded by the judgment creditor or by the agent of
20 the judgment creditor at any time after the judgment is rendered and before the judgment expires
21 under ORS 18.194 or is fully satisfied. From the time the certified copy of the judgment or the lien
22 record abstract is recorded in the County Clerk Lien Record, the judgment is a lien upon the real
23 property of the defendant in the county.

24 (2) In lieu of recording a certified copy of a judgment or a lien record abstract for a judgment
25 under subsection (1) of this section, a judgment that includes a money award rendered by a justice
26 court in a civil action may be transcribed to the circuit court for the county that contains the jus-
27 tice court that rendered the judgment. The judgment may be transcribed by the filing of a certified
28 transcript of the judgment with the clerk of the circuit court. The transcript must contain a copy
29 of all the docket entries made in the case and the judgment as rendered by the justice court, certi-
30 fied to be a true and correct transcript from the original entries by the justice court. Upon filing
31 of the certified transcript, the clerk shall enter the transcribed judgment in the register of the cir-
32 cuit court and in the [*separate*] **judgment lien** record [*maintained under ORS 18.075*]. The clerk shall
33 note in the register that the transcribed judgment creates a judgment lien. A judgment in a criminal
34 action may not be transcribed to circuit court under the provisions of this subsection.

35 (3) A certified copy of a judgment docketed in a justice court, or a lien record abstract for the
36 judgment, may be recorded in any County Clerk Lien Record. The judgment or lien record abstract
37 may be recorded in a county other than the county that contains the justice court that rendered the
38 judgment without transcribing the justice court judgment to the circuit court for the county that
39 contains the justice court that rendered the judgment, or recording a certified copy of the judgment
40 or a lien record abstract for the judgment in the County Clerk Lien Record for the county that
41 contains the justice court. If the judgment has been transcribed to circuit court, or a certified copy
42 of the judgment or a lien record abstract for the judgment has been recorded in any County Clerk
43 Lien Record, a lien record abstract for the judgment in the form provided by ORS 18.170 may be
44 recorded in the County Clerk Lien Record for any other county. From the time the certified copy
45 of the judgment or lien record abstract for the judgment is recorded in the County Clerk Lien Re-

1 cord of another county, the judgment is a lien upon the real property of the defendant in that
2 county.

3 (4) A certified copy of a certificate of extension filed under ORS 18.194, or a lien record abstract
4 for the certificate of extension, may be transcribed to circuit court or recorded in a County Clerk
5 Lien Record in the same manner as provided for judgments under this section and with like effect.

6 (5) The transcribing of a justice court judgment to circuit court under this section, or the re-
7 cording of a certified copy of a justice court judgment or a lien record abstract under this section,
8 does not extend the lien of the judgment more than 10 years from the original entry of the judgment
9 in the justice court.

10 (6) The fee for filing a transcript with the clerk of the circuit court under subsection (2) of this
11 section shall be as provided in ORS 21.325 (2). The fee for recording a certified copy of a justice
12 court judgment or a lien record abstract under this section shall be as provided in ORS 205.320.

13 (7) A justice court and circuit court may enter into an agreement to allow for electronic tran-
14 scription of justice court judgments under this section. A justice court and county clerk may enter
15 into an agreement to allow for electronic recording of judgments and lien record abstracts under
16 this section.

17 **SECTION 13.** ORS 87.450 is amended to read:

18 87.450. (1) When an attorney claims a lien under ORS 87.445, if the judgment is for a sum of
19 money only, the attorney must file a notice of claim of lien with the clerk of the court that entered
20 the judgment within three years after the judgment is entered. The clerk shall enter the notice in
21 the register of the court and in the [*separate*] **judgment lien** record maintained by the court ad-
22 ministrator under ORS 18.075.

23 (2) When an attorney files a notice of claim of lien under subsection (1) of this section, the at-
24 torney shall send forthwith a copy of the notice to the client by registered or certified mail sent to
25 the client at the last-known address of the client.

26 (3) A lien under ORS 87.445 on a judgment for a sum of money only remains a lien on the
27 judgment until the judgment remedies for the judgment expire under ORS 18.180 to 18.192.

28 (4) For purposes of this section, a “judgment for a sum of money only” does not include a
29 judgment or order for the payment of money for the support of any person under ORS 107.095,
30 107.105, 108.120, 109.155, 419B.400 or 419C.590.

31 **SECTION 14.** ORS 416.440 is amended to read:

32 416.440. (1) The documents required to be filed for purposes of subsection (2) of this section in-
33 clude all the following:

34 (a) A true copy of any order entered, filed or registered by the administrator or administrative
35 law judge pursuant to ORS 416.400 to 416.465 or ORS chapter 110.

36 (b) A true copy of the return of service, if applicable.

37 (c) A separate statement containing the information required to be contained in a judgment
38 under ORS 18.042 (2).

39 (2) The documents described under subsection (1) of this section shall be filed in the office of
40 the clerk of the circuit court in the county in which either the parent or the dependent child resides
41 or in the county where the court order was entered if the administrative order is an order modifying
42 a court order. Upon receipt of the documents, the clerk shall enter the order in the register of the
43 circuit court, shall note in the register that the order creates a lien and shall make the notations
44 required by ORS 18.075 in the [*separate*] **judgment lien** record maintained under ORS 18.075 [(3)].

45 (3) Upon entry in the register under subsection (2) of this section, the order shall have all the

1 force, effect and attributes of a judgment of the circuit court, including but not limited to:

2 (a) Creation of a judgment lien under ORS chapter 18; and

3 (b) Ability to be enforced by contempt proceedings and pursuant to ORS 18.252 to 18.993.

4 (4) Notwithstanding subsection (3) of this section, an administrative order modifying a court
5 order shall not become effective until reviewed and approved by the court under ORS 416.425 (10).

6 (5) Notwithstanding subsections (2) and (3) of this section, the entry in the register of an order
7 of the administrator or administrative law judge does not preclude any subsequent proceeding or
8 remedy available under ORS 416.400 to 416.465.

9 (6) A court or administrative order of another state may be filed, or if appropriate, registered,
10 pursuant to this section for the purposes of ORS chapter 110. Notwithstanding any other provision
11 of this chapter, an order of another state registered pursuant to ORS 110.405, 110.408 and 110.411
12 may not be modified unless the requirements of ORS 110.432 are met.

13
14 **MISCELLANEOUS**

15
16 **SECTION 15. The unit captions used in this 2007 Act are provided only for the conven-**
17 **ience of the reader and do not become part of the statutory law of this state or express any**
18 **legislative intent in the enactment of this 2007 Act.**