

## HB 2920 -1 STAFF MEASURE SUMMARY

### House Committee On Judiciary

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**Prepared By:** Whitney Perez, Counsel

**Meeting Dates:** 4/6

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#### WHAT THE MEASURE DOES:

Specifies time after requesting satisfaction for judgment creditor that judgment debtor, or person with interest in real property subject to lien, may ask court for order declaring judgment satisfied or determination of amount necessary to satisfy money award. Removes requirement that judgment creditor act willfully in failing to provide satisfaction document before court can allow attorney fees because of failure to provide satisfaction document.

*REVENUE: No revenue impact*

*FISCAL: Minimal fiscal impact*

#### ISSUES DISCUSSED:

#### EFFECT OF AMENDMENT:

-1 Adds defense to allowance of attorney fees to judgment debtor if judgment creditor establishes that failure to provide the satisfaction document was not the fault of judgment creditor.

*REVENUE: May have revenue impact, but no statement yet issued*

*FISCAL: May have fiscal impact, but no statement yet issued*

#### BACKGROUND:

Currently, a judgment debtor, or other person with an interest in real property that is subject to a judgment lien, may move the court for an order declaring satisfaction of a money award or for a determination of the amount needed to satisfy a money award, when the judgment debtor cannot otherwise obtain a satisfaction document from the judgment creditor. House Bill 2920 allows the debtor or other person to file a motion for this order 10 days after requesting the document from the judgment creditor.

HB 2920 also allows the court to award reasonable attorney fees to the person making this motion if the court finds that the judgment creditor failed to provide a satisfaction document. Currently, courts must find that the judgment creditor willfully failed to provide the document in order to award attorney fees.