

HB 2920 A STAFF MEASURE SUMMARY
House Committee On Judiciary

Carrier: Rep. Vial

Action Date: 04/06/17
Action: Do pass with amendments. (Printed A-Eng.)
Vote: 8-0-3-0
Yeas: 8 - Barker, Greenlick, Lininger, Post, Sanchez, Stark, Vial, Williamson
Exc: 3 - Gorsek, Olson, Sprenger
Fiscal: Has minimal fiscal impact
Revenue: No revenue impact
Prepared By: Whitney Perez, Counsel

WHAT THE MEASURE DOES:

Specifies time after requesting satisfaction document from 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. Adds defense to attorney fee award if judgment creditor establishes the failure to provide the document was no fault of judgment creditor.

ISSUES DISCUSSED:

- Explanation of judicial foreclosure process
- Whether 10 days is sufficient time for judgment creditor

EFFECT OF AMENDMENT:

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.

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-A 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-A 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. There is a defense to this award if the judgment creditor establishes that the failure to provide the document was not the fault of the judgment creditor. Currently, courts must find that the judgment creditor willfully failed to provide the document in order to award attorney fees.