**South Carolina General Assembly**

123rd Session, 2019-2020

**H. 5010**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Brown

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Introduced in the House on January 22, 2020

Currently residing in the House Committee on **Judiciary**

Summary: Judgement liens on real estate

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/22/2020 House Introduced and read first time ([House Journal‑page 27](file:///h:\hj\20200122.docx))

1/22/2020 House Referred to Committee on **Judiciary** ([House Journal‑page 27](file:///h:\hj\20200122.docx))

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**VERSIONS OF THIS BILL**

[1/22/2020](file:///p:\pprever\2019-20\5010_20200122.docx)

**A** **BILL**

TO AMEND SECTION 15‑35‑810, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO JUDGMENT LIENS ON REAL ESTATE EXPIRING TEN YEARS AFTER ENTRY OF THE JUDGMENT AND TO AMEND SECTION 15‑39‑20, RELATING TO JUDGMENT LIENS BEING ENFORCEABLE FOR TEN YEARS AFTER THE ENTRY OF THE JUDGMENT, BOTH SO AS TO PROVIDE THAT A LIEN MAY BE RENEWED OR REVIVED FOR TEN ADDITIONAL YEARS; AND TO AMEND SECTION 15‑39‑30, RELATING TO ISSUANCE OF EXECUTIONS UPON FINAL JUDGMENTS, SO AS TO PROVIDE THAT FINAL JUDGMENTS OR DECREES MAY BE RENEWED OR REVIVED, TO REQUIRE A DORMANT JUDGMENT TO BE RENEWED OR REVIVED WITHIN ONE YEAR OF DORMANCY, AND TO PROVIDE PROCEDURES FOR RENEWING OR REVIVING SUCH JUDGMENTS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 15‑35‑810 of the 1976 Code is amended to read:

“Section 15‑35‑810. Final judgments and decrees entered in any court of record in this State subsequent to November 25, 1873, or in any circuit or district court of the United States within this State or of any other federal court the final judgments and decrees of which, by act of Congress, shall be declared to create a lien, shall constitute a lien upon the real estate of the judgment debtor situate in any county in this State in which the judgment or transcript thereof is entered upon the book of abstracts of judgments and duly indexed, the lien to begin from the time of such entry on the book of abstracts and indices and to continue for a period of ten years from the date of such final judgment or decree, unless renewed or revived for a period of ten additional years as provided in Section 15‑39‑30.”

SECTION 2. Section 15‑39‑20 of the 1976 Code is amended to read:

“Section 15‑39‑20. Writs of execution for the enforcement of judgments shall conform to this title. The party in whose favor judgment has been given and, in case of his death, his personal representatives duly appointed may at any time within ten years after the entry of judgment proceed to enforce such judgment as prescribed by this title. A judgment may be renewed or revived for a period of ten additional years as provided in Section 15‑39‑30.”

SECTION 3. Section 15‑39‑30 of the 1976 Code is amended to read:

“Section 15‑39‑30. (A) Executions may issue upon final judgments or decrees at any time within ten years from the date of the original entry thereof and shall have active energy during such period, without any renewal or renewals thereof, and this whether any return may or may not have been made during such period on such executions.

(B) A final judgment or decree may be renewed or revived for a period of ten years by an application filed in the office of the Clerk of Court in the county where such final judgment or decree was originally obtained. If a final judgment becomes dormant, it may be renewed or revived by an application filed within one year from the date it becomes dormant. Once renewed after dormancy, the renewed judgment does not relate back in time to the date on which such judgment became dormant, but is effective from the date of the entering of the renewed judgment.

(C) An application to renew a judgment or revive a dormant judgment must be filed in the court of the county where the original judgment was obtained. All parties to the original judgment must be given notice of the application to renew or revive the judgment. The renewal or revival must be entered upon the book of abstracts and indexed in the record.

(D) The application to renew a judgment or revive a dormant judgment shall identify the original or dormant judgment, the date such judgment was filed, and the named parties, and such application shall contain a certificate that the judgment is unpaid in full or in part, a certificate of mailing of the application upon the judgment debtor or debtors, and a notice to such judgment debtor or debtors that the application must be granted automatically unless within thirty days of service or notice, such judgment debtor contests the renewal of such judgment or decree. If so contested, the party seeking renewal may motion the court for enforcement.”

SECTION 4. This act takes effect upon approval by the Governor.

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