

**RESOLUTION 03-25-08**

**DIGEST**

Enforcement of Judgments: Extension of Judgment Lien on Real Property

Amends Code of Civil Procedure section 683.180 to provide for service by mail of the extension of a judgment lien on the transferee of real property.

**RESOLUTIONS COMMITTEE RECOMMENDATION**

APPROVE IN PRINCIPLE

History:

No similar resolutions found.

Reasons:

This resolution amends Code of Civil Procedure section 683.180 to provide for service by mail of the extension of a judgment lien on the transferee of real property. This resolution should be approved in principle because it is consistent with existing law for service of writ and a notice of levy on any third person in whose name the judgment debtor's interest in the real property stands upon the records of the county.

Code of Civil Procedure section 684.010, et seq. provides for manner of service. Code of Civil Procedure section 700.015 permits either personal service or service by mail for writ and notice of levy on any third person in whose name the judgment debtor's interest in the real property stands upon the records of the county. It permits service on the third person by mail, sent to the person at the address shown in the records of the county tax where the real property is located or, if no address is shown, to the person at the return address used by the county recorder on the instrument creating the interest of the third person in the property.

This resolution identifies a problem and proposes a solution which is consistent with existing law for service of notice on third persons with an interest in the real property.

**TEXT OF RESOLUTION**

RESOLVED, that the Conference of Delegates of California Bar Associations recommends that legislation be sponsored to amend Code of Civil Procedure section 683.180 to read as follows:

- 1     §683.180
- 2             (a) If a judgment lien on an interest in real property has been created pursuant to a
- 3 money judgment and the judgment is renewed pursuant to this article, the duration of the
- 4 judgment lien is extended until 10 years from the date of the filing of the application for
- 5 renewal if, before the expiration of the judgment lien, a certified copy of the application for
- 6 renewal is recorded with the county recorder of the county where the real property subject
- 7 to the judgment lien is located.
- 8             (b) A judgment lien on an interest in real property that has been transferred subject
- 9 to the lien is not extended pursuant to subdivision (a) if the transfer was recorded before
- 10 the application for renewal was filed unless both of the following requirements are

11 satisfied:

12 (1) A copy of the application for renewal is ~~personally~~ served on the transferee by  
13 mailing the copy of the application to the address provided to the county tax assessor for  
14 the mailing of property tax statements.

15 (2) Proof of such service is filed with the court clerk within 90 days after the filing  
16 of the application for renewal.

(Proposed new language underlined; language to be deleted stricken.)

**PROPONENT:** Los Angeles County Bar Association

**STATEMENT OF REASONS:**

Existing Law: Requires that when a judgment is being renewed, if the property has been transferred the application for renewal must be personally served upon the transferee of record.

This Resolution: Allows service on the transferee by mail at the address to which the property tax bills are mailed.

The Problem: Requiring personal service upon a transferee of record can create any of several problems. The addressee of the transferee may not be known or shown on any of the recorded documents. The transferee should have taken the property subject to the existing lien and should not be able to avoid it by providing no address for personal service.

**IMPACT STATEMENT**

This proposed resolution does not affect any other law, statute or rule.

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