

REFERENCE TITLE: homestead exemptions; judgments; child support

State of Arizona  
Senate  
Forty-eighth Legislature  
First Regular Session  
2007

# **SB 1247**

Introduced by  
Senator Johnson

AN ACT

AMENDING SECTIONS 33-964 AND 33-1103, ARIZONA REVISED STATUTES; RELATING TO  
HOMESTEAD EXEMPTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 33-964, Arizona Revised Statutes, is amended to  
3 read:

4 33-964. Lien of judgment; duration; exemption of homestead;  
5 acknowledgment of satisfaction by judgment creditor

6 A. Except as provided in sections 33-729 and 33-730, from and after  
7 the time of recording as provided in section 33-961, a judgment shall become  
8 a lien for a period of five years from the date it is given, on all real  
9 property of the judgment debtor except real property exempt from execution,  
10 including homestead property, in the county ~~where~~ IN WHICH the judgment is  
11 recorded, whether the property is then owned by the judgment debtor or is  
12 later acquired. A judgment lien for support, as defined in section 25-500,  
13 and associated costs and attorney fees remains in effect until satisfied or  
14 lifted.

15 B. ~~EXCEPT AS PROVIDED IN SECTION 33-1103~~, a recorded judgment shall  
16 not become a lien ~~upon~~ ON any homestead property. Any person entitled to a  
17 homestead on real property as provided by law holds the homestead property  
18 free and clear of the judgment lien.

19 C. A judgment of the justice court, municipal court, superior court or  
20 United States court which has become a lien under this article, ~~shall~~,  
21 immediately on the payment or satisfaction of the judgment, SHALL  
22 be discharged of record by the judgment creditor or the judgment creditor's  
23 attorney by recording a satisfaction of judgment with the county recorder of  
24 the county in which the judgment is recorded. The judgment creditor or the  
25 judgment creditor's attorney shall enter a notation of satisfaction on the  
26 docket of the clerk of the superior court of each county ~~where~~ IN WHICH the  
27 judgment has been entered or docketed, and in a like manner enter a notation  
28 of satisfaction on the docket of the clerk of the United States district  
29 court.

30 Sec. 2. Section 33-1103, Arizona Revised Statutes, is amended to read:

31 33-1103. Effective date of homestead exemption; extent of  
32 exemption; exceptions

33 A. The homestead provided for in section 33-1101, subsection A is  
34 exempt from process and from sale under a judgment or lien, except:

35 1. A consensual lien, including a mortgage or deed of trust, or  
36 contract of conveyance.

37 2. A lien for labor or materials claimed pursuant to section 33-981.

38 3. A LIEN FOR CHILD SUPPORT ARREARAGES, SPOUSAL MAINTENANCE ARREARAGES  
39 OR COSTS OR ATTORNEY FEES AWARDED IN RELATION THERETO.

40 ~~3-~~ 4. To the extent that a judgment or other lien may be satisfied  
41 from the equity of the debtor exceeding the homestead exemption under section  
42 33-1101.

43 B. A sale as described in subsection A of this section and not  
44 excepted by subsection A, paragraph 1, 2, ~~or~~ 3 OR 4 of this section is  
45 invalid and does not convey an interest in the homestead, whether made under  
46 a judgment existing before or after THE homestead is established.