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SENATE BILL 892

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Timothy Z. Jennings

AN ACT

RELATING TO JUDGMENTS; PROVIDING CIRCUMSTANCES UNDER WHICH THE
STATUTE OF LIMITATIONS FOR ENFORCING JUDGMENTS IS TOLLED.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 37-1-2 NMSA 1978 (being Laws 1891,
Chapter 53, Section 2, as amended) is amended to read:

"37-1-2. JUDGMENTS.--

A. Except as provided in Subsection B of this
section, actions founded upon any judgment of any court of the
state may be brought within fourteen years from the date of the
judgment and not afterward. Actions founded upon any judgment
of any court of record of any other state or territory of the
United States, or of the federal courts, may be brought within
the applicable period of limitation within that jurisdiction,
not to exceed fourteen years from the date of the judgment, and

underscoring material = new
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1 not afterward.

2 B. The statute of limitations provided in
3 Subsection A of this section is tolled during the period of
4 time that:

5 (1) the location of the judgment debtor is not
6 known to the judgment creditor, and the judgment debtor cannot
7 be located through reasonable diligence;

8 (2) the judgment debtor is incarcerated in a
9 penal institution;

10 (3) the judgment debtor is protected by the
11 automatic stay provision of 11 U.S.C. Section 362;

12 (4) the judgment debtor is in a foreign
13 jurisdiction that does not provide the same opportunities for
14 collecting the debt as in the United States; or

15 (5) the judgment debtor is offered protection
16 under state or federal law that substantially impairs the
17 ability of the judgment creditor to pursue enforcement of the
18 judgment."

19 Section 2. Section 39-1-6 NMSA 1978 (being Laws 1891,
20 Chapter 67, Section 1, as amended) is amended to read:

21 "39-1-6. MONEY JUDGMENT--DOCKETING--TRANSCRIPT OF
22 JUDGMENT--LIEN ON REAL ESTATE--SUPERSEDEAS.--Any money judgment
23 rendered in the supreme court, court of appeals, district court
24 or metropolitan court shall be docketed by the clerk of the
25 court and a transcript or abstract of judgment may be issued by

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underscoring material = new
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1 the clerk upon request of the parties. The judgment shall be a
2 lien on the real estate of the judgment debtor from the date of
3 the filing of the transcript of the judgment in the office of
4 the county clerk of the county in which the real estate is
5 situate. Upon approval and filing of a supersedeas bond upon
6 appeal of the cause as provided by law, the lien shall be void.
7 Judgment shall be enforced for not more than fourteen years
8 thereof, unless the statute of limitations is tolled pursuant
9 to Subsection B of Section 37-1-2 NMSA 1978."

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