

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

*As Engrossed: S2/24/11*  
**A Bill**

HOUSE BILL 1305

5 By: Representatives Williams, Shepherd  
6 By: Senators Luker, J. Hutchinson  
7

**For An Act To Be Entitled**

9 AN ACT TO CLARIFY THE REQUIREMENTS TO REVIVE A  
10 JUDGMENT AND PERFECT THE JUDGMENT LIEN; AND FOR OTHER  
11 PURPOSES.  
12  
13

**Subtitle**

15 TO CLARIFY THE REQUIREMENTS TO REVIVE A  
16 JUDGMENT AND PERFECT THE JUDGMENT LIEN.  
17  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code Title 16, Chapter 65, is amended to revise  
22 the following subchapters:

23 16-65-501. Scire facias.

24 (a) The plaintiff or his or her legal representatives ~~may~~, at any time  
25 before the expiration of the lien ~~on any of a judgment~~, may sue out a scire  
26 facias to revive the judgment.

27 (b) The scire facias shall be served on the defendant or his or her  
28 legal representatives, terre-tenants, or other person occupying the land, and  
29 may be directed to and served in any county in this state.

30 (c)(1) If the defendant cannot be found, the court shall make an order  
31 briefly setting forth the nature of the case and requiring all persons  
32 interested to appear on a date set by the court and show cause why the  
33 judgment or decree should not be revived and lien continued.

34 (2) A copy of the order shall be put up for four (4) weeks at  
35 the courthouse door of the county in which the judgment or decree may have  
36 been rendered.



1 (d) If upon service or publication of the scire facias, as required in  
2 subsection (c) of this section, the defendant or any other person interested  
3 does not appear and show cause why such judgment or decree shall not be  
4 revived, the judgment shall be revived and the lien continued for another  
5 period of ten (10) years and so on from time to time as often as may be  
6 necessary.

7 (e) If a scire facias is sued out before the termination of the lien  
8 of any judgment or decree, the lien of the judgment revived shall have  
9 relation to the day on which the scire facias issued. ~~However, if the lien of~~  
10 ~~any judgment or decree has expired before suing out the scire facias, the~~  
11 ~~judgment of revival shall be only a lien from the time of the rendition of~~  
12 ~~the judgment.~~

13 (f) No scire facias to revive a judgment shall be issued except within  
14 ten (10) years from the date of the rendition of the judgment, or if the  
15 judgment shall have been previously revived, then within ten (10) years from  
16 the order of revivor.

17 (g)(1) Unless before the expiration of a judgment the notice under  
18 subdivision (g)(2) of this section is recorded in the real property records  
19 of a county other than the county in which an action under this section is  
20 filed:

21 (A) A scire facias to revive the judgment is not effective  
22 in the county other than the county in which an action under this section is  
23 filed; and

24 (B) (i) A recorded judgment lien may not be revived  
25 against real property in the county other than the county in which an action  
26 under this section is filed.

27 (ii) This subdivision (g)(1)(B) does not prevent a  
28 judgment creditor from registering a judgment or recording a judgment lien in  
29 a new county after a judgment is obtained or revived.

30 (2) The notice shall include with respect to the action:

31 (A) The names of the judgment debtors and judgment  
32 creditors;

33 (B) The name of the court and case number in which the  
34 judgment was rendered;

35 (C) The name of the county in which the petition for a  
36 writ of scire facias was filed;

