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**HOUSE BILL NO. 711**

Offered January 13, 2010

Prefiled January 12, 2010

A BILL to amend and reenact § 8.01-462 of the Code of Virginia, relating to jurisdiction of court to enforce lien of judgment.

Patron—Peace

Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:**

**1. That § 8.01-462 of the Code of Virginia is amended and reenacted as follows:**

~~Jurisdiction to enforce the lien of a judgment shall be in equity.~~ A. A circuit court may decree the sale of real estate used as the owner's primary residence to enforce a judgment lien encumbering it only if (i) the value of that real estate, according to the most recent tax assessment, is more than the median assessed value of single-family dwellings in the jurisdiction where the real estate is situated; (ii) the owner of that real estate has an annual household gross income that exceeds the greater of \$50,000 or the income limits based upon family size for the respective metropolitan statistical area, annually published by the Department of Housing and Urban Development for qualifying federal housing assistance pursuant to § 235 of the National Housing Act (12 U.S.C. § 1715z); and (iii) the judgment upon which the lien is based did not arise out of an intentional tort or act of fraud committed by the owner of the real estate. For the purposes of this section, "household gross income" shall be defined according to the definition in § 34-4.2.

B. If it appear to the court that the rents and profits of all real estate subject to the lien not prohibited from being sold by subsection A will not satisfy the judgment in five years, the court may decree such real estate, or any part thereof, to be sold, and the proceeds applied to the discharge of the judgment.

INTRODUCED

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