

2014 SESSION

INTRODUCED

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HOUSE BILL NO. 393

Offered January 8, 2014

Prefiled January 3, 2014

A *BILL to amend and reenact § 8.01-454 of the Code of Virginia, relating to requirement that a judgment payment be noted by creditor; penalty.*

Patrons—Chafin, Kilgore, Campbell and Fariss

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-454 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-454. Judgment, when paid, to be so noted by creditor.

In all cases in which payment or satisfaction of any judgment so docketed is made, which is not required to be certified to the clerk under § 8.01-455, it shall be the duty of the judgment creditor, himself, or by his agent or attorney, to cause such payment or satisfaction by the defendant, whether in whole or in part, and if there is more than one defendant, by which defendant it was paid or discharged, to be entered within thirty days after the same is made, on such judgment docket. If the judgment has not been docketed, then the entry shall be made on the execution book in the office of the clerk from which the execution issued. ~~For any failure to do so, after ten days' notice to do so by the judgment debtor, his agent or attorney, the judgment creditor shall be liable to a fine of up to fifty dollars. The entry of payment or satisfaction shall be signed by the creditor, his duly authorized attorney or other agent, and be attested by the clerk in whose office the judgment is docketed, or, when not docketed, by the clerk from whose office the execution issued; however, the cost of the release shall be paid by the judgment debtor. For any failure of a judgment creditor to cause such payment or satisfaction by the defendant to be entered within 90 days after the same is made, or after 10 days' notice to do so by the judgment debtor, the judgment creditor shall be liable to a fine of \$100 and shall pay the cost of the release.~~

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