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Ohio Revised Code

Section 2329.07 Judgment may become dormant.

Effective: April 06, 2017
Legislation: Senate Bill 227 - 131st General Assembly

(A) As used in this section:

"Aid of execution" means an aid of execution under Chapter 2333. of the Revised Code, including the issuance of an order to a judgment debtor to appear for examination under section 2333.10 of the Revised Code.

"Certificate of judgment" means a certificate issued by a clerk of courts in which the judgment was rendered, under the seal of the court, under section 2329.02 or 2329.04 of the Revised Code.

"Execution" has the meaning defined in section 2327.01 of the Revised Code.

"Garnishment" means a proceeding commenced when an order of garnishment of personal earnings or an order of garnishment of property other than personal earnings is issued by a court.

For purposes of this section, an order of garnishment of personal earnings is continuing when regular garnishment payments are being made in accordance with a judgment debtor's regular pay schedule. An order of garnishment other than personal earnings is continuing until the garnishee files an answer.

"Renewal of the judgment" means the occurrence of any of the actions set forth under division (B) or (C) of this section.

(B)(1) A judgment that is not in favor of the state is dormant and shall not operate as a lien against the estate of the judgment debtor unless one of the following occurs within five years from the date of the judgment or any renewal of the judgment, whichever is later:

(a) An execution on a judgment is issued.

(b) A certificate of judgment for obtaining a lien upon lands and tenements is issued and filed, as provided in sections 2329.02 and 2329.04 of the Revised Code.

(c) An order of garnishment is issued or is continuing, or until the last garnishment payment is received by the clerk of courts or the final report is filed by the garnishee, whichever is later.

(d) A proceeding in aid of execution is commenced or is continuing.

(2) Except as otherwise provided in division (D) of this section, a judgment in favor of the state, is dormant and shall not operate as a lien against the estate of the judgment debtor unless one of the following occurs within ten years from the date of the judgment, or any renewal of the judgment, or within fifteen years from the date of the issuance of the last execution thereon, whichever is later:

(a) An execution on the judgment is issued.

(b) A certificate of judgment is issued and filed, as provided in sections 2329.02 and 2329.04 of the Revised Code.

(c) An order of garnishment is issued or is continuing, or until the last garnishment payment is received by the clerk of courts or the final report and answer is filed by the garnishee, whichever is later.

(d) A proceeding in aid of execution is commenced or is continuing.

The fifteen-year limitation period applies to executions issued and certificates of judgments issued and filed before, on, or after March 29, 2007.

(C) If, in any county other than that in which a judgment was rendered, the judgment has become a lien by reason of the filing, in the office of the clerk of the court of common pleas of that county, of a certificate of the judgment as provided in sections 2329.02 and 2329.04 of the Revised Code, or there has been a renewal of the judgment, except as otherwise provided under division (D) of this section, the judgment shall cease to operate as a lien upon lands and tenements of the judgment debtor within that county, unless one of the following occurs within five years or, if the judgment is in favor of the state, within fifteen years:

(1) An execution on a judgment is issued.

(2) A certificate of the judgment is filed in that county.

(3) An order of garnishment is issued or is continuing, or until the last garnishment payment is received by the clerk of courts or the final report and answer is filed by the garnishee, whichever is later.

(4) A proceeding in aid of execution is commenced or is continuing.

The fifteen-year limitation period applies to executions issued and certificates of judgments issued and filed before, on, or after March 29, 2007.

(D)(1) As used in division (D) of this section, "interim period" means the period beginning September 26, 2003, and ending September 27, 2006.

(2) Division (D) of this section applies only to judgments in favor of the state that are subject to this section and to which both of the following apply:

(a) The first issuance of execution on the judgment, or a garnishment or an aid in execution proceeding was commenced or continuing, or the certificate of judgment was filed within the ten-year period provided in this section before the beginning of the interim period;

(b) Subsequent issuance of execution on the judgment, or an order of garnishment or an aid in execution proceeding was commenced or continuing, or subsequent issuance and filing of the certificate of judgment would have been required during the interim period in order to keep the lien from becoming dormant under this section as this section existed on September 25, 2003, and as if this section as it existed on that date had been in effect during the interim period.

(3) Such a judgment shall become dormant and shall cease to operate as a lien against the estate of the judgment debtor unless one of the following occurs within fifteen years after the expiration of the ten-year period following issuance of the last execution on the judgment or following the issuance and filing of the last such certificate, whichever is later:

(a) An execution on the judgment is issued.

(b) A certificate of judgment is filed.

(c) A garnishment proceeding has been commenced or is continuing or until the last garnishment payment is received by the clerk of courts or the final report and answer is filed by the garnishee, whichever is later.

(d) A proceeding in aid of execution is commenced or is continuing.