

2021 Kansas Statutes

58-2314. Unenforced foreclosure judgment; entry as cancellation and release of mortgage. (a)

Whenever real estate mortgages have been, or shall be, foreclosed by judgment of the district court in any county in the state of Kansas, and no renewal affidavit shall have been filed or no execution or orders of sale shall have been issued thereon within five years and no proceedings have been instituted in accordance with the provisions of K.S.A. 60-2404 and amendments thereto to revive the judgment and no appeal has been taken for a period of seven years from the date of the entry of the judgment of foreclosure, then it shall be the duty of the clerk of the court, on application of any party in interest, to record in the office of the register of deeds in which the mortgage is recorded, an instrument giving the date of the entry of the judgment of foreclosure with the page of the journal or the microphotograph number in which the judgment is recorded, together with the statement that no renewal affidavit was filed, nor execution or order of sale issued within five years, nor any proceedings to revive the judgment were instituted within seven years from the date of the entry of the judgment. The recorded instrument shall operate as a cancellation and release of the mortgage.

(b) A "renewal affidavit" is a statement under oath, signed by the judgment creditor or the judgment creditor's attorney, filed in the proceedings in which the judgment was entered and stating the remaining balance due and unpaid on the judgment.

The five-year period specified in this section shall not run during any period in which the enforcement of the judgment by legal process is stayed or prohibited.

History: L. 1913, ch. 230, § 1; R.S. 1923, 67-314; L. 1971, ch. 86, § 5; L. 1974, ch. 233, § 1; L. 1976, ch. 196, § 2; L. 1977, ch. 191, § 3; L. 1990, ch. 207, § 1; July 1.