

**VIRGINIA:**

In the Supreme Court of Virginia held at the Supreme court Building in the City of Richmond, on Friday, the 12th day of January, 2007.

Joseph Mona, Appellant,

against

Record No. 060205

Circuit Court No. 2005-6034

Michael L. Cranston,

Appellee.

Upon an appeal from a judgment rendered by the Circuit Court of Fairfax County.

Upon consideration of the record, the briefs, and the argument of counsel, the Court is of the opinion that there is reversible error in the judgment of the circuit court.

On July 28, 1986, a default judgment in the amount of \$7,000 was entered against Joseph Mona in favor of Michael L. Cranston in the Fairfax County General District Court. On June 2, 1987, Cranston docketed the judgment in the Circuit Court of Fairfax County by filing an abstract of judgment. The judgment remained unsatisfied, and on September 29, 2005, Cranston filed a motion in the circuit court to renew and extend the judgment. The circuit court granted Cranston's motion to extend the judgment. Mona appeals from that judgment.

The judgment against Mona was subject to the provisions of former Code § 16.1-69.55, which specifically addressed limitations on judgments rendered by general district courts. Pursuant to that former statute, the judgment against Mona became unenforceable on July 29, 1996, because Cranston failed to file in the general

district court a motion to extend the judgment within ten years of the date the judgment was rendered, as required by former Code § 16.1-69.55. See former Code § 16.1-69.55(B)(2) and (4) (1996). The fact that Cranston docketed the judgment in the circuit court was insufficient to render it a judgment of the circuit court because compliance with the statutory requirement of obtaining an extension of judgment, as specified in former Code § 16.1-69.55(B)(4), was mandatory.

The 2005 amendment of Code § 16.1-69.55(B)(4), which extinguished the requirement that a plaintiff file a separate motion to extend in general district court, has no bearing on this case because that amendment took place after the judgment against Mona expired. See 2005 Acts ch. 135. Therefore, the circuit court erred in granting Cranston's motion to extend the judgment.

Accordingly, the judgment appealed from is reversed and annulled, and final judgment is entered in favor of Joseph Mona.

This order shall be published in the Virginia Reports and shall be certified to the said circuit court.

A Copy,

Teste:

Patricia L. Harrington, Clerk