

**IN THE COURT OF APPEALS OF IOWA**

No. 7-400 / 06-1037

Filed July 12, 2007

**KELLY JO FREEZE,**  
Plaintiff-Appellant,

**vs.**

**ROBERT ARCHIE ELSBURY and**  
**DIANE KAY ELSBURY**  
Defendants-Appellees.

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Appeal from the Iowa District Court for Cerro Gordo County, Bryan H.  
McKinley, Judge.

Kelly Jo Freeze appeals from a district court ruling denying her application  
to extend a judgment. **AFFIRMED.**

Richard Tompkins, Mason City, for appellant.

J. Mathew Anderson, Mason City, for appellee.

Considered by Mahan, P.J., and Eisenhauer and Baker, JJ.

**EISENHAUER, J.**

Kelly Jo Freeze appeals from a district court ruling denying her application to extend a judgment. We affirm.

Freeze obtained a judgment against Robert Elsbury from the bankruptcy court on April 7, 1986. The judgment was then transcribed to Iowa District Court of Cerro Gordo County on March 23, 1998. Diane Kay Elsbury (Diane) was brought into the matter by her marriage to Robert. Nearly twenty years after the judgment was entered, a significant amount was still owed on the debt. Freeze filed an Application to Extend Judgment on April 5, 2006, requesting the judgment be extended for at least ten years to allow her more time for collection. The application was filed with the same case number and caption as the transcript of judgment. The district court denied Freeze's application for lack of legal authority and failing to commence an action as required by Iowa Code sections 614.1(6) and 614.3 (2006). Freeze appeals.

Our review is for correction of errors of law. We do not believe Freeze's judgment can be extended. In *Whitters v. Neal*, 603 N.W.2d 622, 634 (Iowa 1999), the Iowa Supreme Court held that without statutory authority, a judgment lien could not be extended beyond the period of time fixed by statute. The principle applies here. One of the purposes of statutes of limitation is to protect a defendant from further lawsuits after being subject to liability for a designated period of time. Iowa Code section 614.1(6) provides a twenty-year limitation during which an action founded on a judgment may be brought. We find no case law or statutory authority and Freeze cites none permitting an extension beyond that limitation.

Freeze could have obtained a new judgment for the balance due. See *Chader v. Wilkins*, 284 N.W.183 (Iowa 1939) (holding that a new judgment may be recovered upon a previous judgment, and in such an action, the previous judgment is treated as an unperformed and unsatisfied contract obligation). In order to do so, an independent action must be filed before the twenty-year statute of limitation expires. See *Chader*, 284 N.W. at 183. Iowa Rule of Criminal Procedure 1.301(1) provides that “a civil action is commenced by filing a petition with the court.” Rule 1.302 further states that an original notice containing specific information must be filed and served after the petition is filed. In the present case, Freeze did not comply with these requirements. Moreover, she did not obtain a new case number or pay a filing fee. Nothing in the application indicates it was filed to start an independent and separate lawsuit. Our law does not permit an extension of the judgment simply by filing an application. We therefore affirm.

**AFFIRMED.**