

1 *Senate* BILL NO. *315*
 2 INTRODUCED BY *D. Dunst*
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE EXECUTION
 5 OF A JUSTICE'S COURT JUDGMENT OUTSIDE THE COUNTY IN WHICH
 6 THE JUDGMENT WAS OBTAINED WITHOUT HAVING TO FILE AN ABSTRACT
 7 OF THE JUDGMENT IN DISTRICT COURT; DISAPPROVING RULES 21C
 8 AND 23(2), MONTANA JUSTICE AND CITY COURT RULES OF CIVIL
 9 PROCEDURE; AMENDING SECTIONS 25-31-913 AND 25-31-914, MCA;
 10 REPEALING SECTIONS 25-31-911 AND 25-31-912, MCA; AND
 11 PROVIDING AN APPLICABILITY DATE."

12
 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 **Section 1.** Section 25-31-913, MCA, is amended to read:

15 "25-31-913. Issuance of execution by clerk of district
 16 justice's court. From the time of docketing in the clerk's
 17 office, execution may be issued thereon by the clerk to the
 18 sheriff of any county in the state ~~in the same manner and~~
 19 ~~with like effect as if issued on a judgment of the district~~
 20 ~~court."~~

21 **Section 2.** Section 25-31-914, MCA, is amended to read:

22 "25-31-914. Lien on real property. The judgment
 23 rendered in a justice's court creates no a lien upon any
 24 lands of the defendant ~~unless--such abstract is filed as~~
 25 ~~aforsaid-in~~ upon the filing of a transcript of the original

1 docket, certified by the clerk of the justice's court, with
 2 the office of the clerk of the district court of the county
 3 in which the lands are situated. When so filed and from the
 4 time of filing, the judgment becomes a lien upon all real
 5 property of the judgment debtor, not exempt from execution,
 6 in such county, owned by him at the time or which he may
 7 afterwards and before the lien expires acquire. The lien
 8 continues for 6 years unless the judgment be previously
 9 satisfied."

10 **NEW SECTION. Section 3.** Disapproval of rules. Pursuant
 11 to Article VII, section 2, of the Montana constitution,
 12 Rules 21C and 23(2), Montana Justice and City Court Rules of
 13 Civil Procedure, are disapproved.

14 **NEW SECTION. Section 4.** Repealer. Sections 25-31-911
 15 and 25-31-912, MCA, are repealed.

16 **NEW SECTION. Section 5.** Applicability. [This act]
 17 applies to proceedings begun after October 1, 1991.

-End-

INTRODUCED BILL
 SB 315

APPROVED BY COMMITTEE
ON JUDICIARY

1 *Senate* BILL NO. *315*
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