## SENATE BILL NO. 315

## INTRODUCED BY DOHERTY

## IN THE SENATE

	IN THE SENATE
FEBRUARY 7, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
FEBRUARY 8, 1991	FIRST READING.
FEBRUARY 23, 1991	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 25, 1991	PRINTING REPORT.
	SECOND READING, DO PASS.
FEBRUARY 26, 1991	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 49; NOES, 0.
	TRANSMITTED TO HOUSE.
	IN THE HOUSE
MARCH 4, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
MARCH 15, 1991	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 16, 1991	SECOND READING, CONCURRED IN.
MARCH 18, 1991	THIRD READING, CONCURRED IN. AYES, 94; NOES, 3.
	RETURNED TO SENATE.
	IN THE SENATE
MARCH 19, 1991	RECEIVED FROM HOUSE.
	SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

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1	Single BILL NO. 3/5
2	INTRODUCED BY Down
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
В	AND 23(2), MONTANA JUSTICE AND CITY COURT RULES OF CIVIL
9	PROCEDURE; AMENDING SECTIONS 25-31-913 AND 25-31-914, MCA;
LO	REPEALING SECTIONS 25-31-911 AND 25-31-912, MCA; AND
l1	PROVIDING AN APPLICABILITY DATE."
.2	
13	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
L <b>4</b>	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-thedistrict
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
2.4	lando of the defendant unlarge-such-shebeset-équétiled-se

aforesaid-in upon the filing of a transcript of the original

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-

docket, certified by the clerk of the justice's court, with

## APPROVED BY COMMITTEE ON JUDICIARY

SENTE BILL NO. 3/5

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A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE EXECUTION 4

OF A JUSTICE'S COURT JUDGMENT OUTSIDE THE COUNTY IN WHICH 5

THE JUDGMENT WAS OBTAINED WITHOUT HAVING TO FILE AN ABSTRACT

OF THE JUDGMENT IN DISTRICT COURT: DISAPPROVING RULES 21C

8 AND 23(2), MONTANA JUSTICE AND CITY COURT RULES OF CIVIL

PROCEDURE: AMENDING SECTIONS 25-31-913 AND 25-31-914, MCA:

REPEALING SECTIONS 25-31-911 AND 25-31-912, MCA; AND

PROVIDING AN APPLICABILITY DATE." 11

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

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

\*25-31-913. Issuance of execution by clerk of district

justice's court. From the time of docketing in the clerk's

17 office, execution may be issued thereon by the clerk to the

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."

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

22 \*25-31-914. Lien on real property. The judgment

rendered in a justice's court creates no a lien upon any

lands of the defendant unless--such-abstract-is-filed-as 24

25 aforesaid-in upon the filing of a transcript of the original



1	docket,	certified	by	the	clerk	o£	the	justice's	court,	with
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2 the office of the clerk of the district court of the county

in which the lands are situated. When so filed and from the

time of filing, the judgment becomes a lien upon all real

property of the judgment debtor, not exempt from execution,

in such county, owned by him at the time or which he may

afterwards and before the lien expires acquire. The lien

continues for 6 years unless the judgment be previously

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

Civil Procedure, are disapproved. 13

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 l

17 applies to proceedings begun after October 1, 1991.

-End-

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4	A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE EXECUTION
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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;
١٥	REPEALING SECTIONS 25-31-911 AND 25-31-912, MCA; AND
11	PROVIDING AN APPLICABILITY DATE."
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13	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14	Section 1. Section 25-31-913, MCA, is amended to read:
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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
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20	court."
21	Section 2. Section 25-31-914, MCA, is amended to read:
22	*25-31-914. Lien on real property. The judgment

rendered in a justice's court creates no a lien upon any

lands of the defendant unless-such-abstract-is-filed-as aforesaid-in upon the filing of a transcript of the original

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1	to Article VII, section 2, of the Montana constitution
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. 3	Civil Procedure, are disapproved.
<b>. 4</b>	NEW SECTION. Section 4. Repealer. Sections 25-31-91
15	and 25-31-912, MCA, are repealed.
6	NEW SECTION. Section 5. Applicability. [This act

applies to proceedings begun after October 1, 1991.

-End-

docket, certified by the clerk of the justice's court, with

the office of the clerk of the district court of the county

in which the lands are situated. When so filed and from the time of filing, the judgment becomes a lien upon all real property of the judgment debtor, not exempt from execution,

THIRD READING

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1	SENATE BILL NO. 313
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23	rendered in a justice's court creates no <u>a</u> lien upon any
24	lands of the defendant unlesssuch-abstract-is-filed-as

aforesaid-in upon the filing of a transcript of the original

4	time of filing, the judgment becomes a lien upon all real
5	property of the judgment debtor, not exempt from execution,
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