

HOUSE BILL 203

IN THE HOUSE

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| January 16, 1979 | Introduced and referred to Committee on Judiciary. |
| January 25, 1979 | Committee recommend bill, as amended |
| January 26, 1979 | Printed and placed on members' desks. |
| January 27, 1979 | Second reading, do pass. |
| January 29, 1979 | Considered correctly engrossed. |
| January 30, 1979 | Third reading, passed. |

1 *HOUSE* BILL NO. *203*
2 INTRODUCED BY *Anderson, Ramirez, Sully, Log*

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ADOPT THE REVISED
5 UNIFORM ENFORCEMENT OF FOREIGN JUDGMENTS ACT."
6

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

8 Section 1. Short title. [This act] may be cited as the
9 "Uniform Enforcement of Foreign Judgments Act".

10 Section 2. Uniformity of interpretation. [This act]
11 shall be so interpreted and construed as to effectuate its
12 general purpose to make uniform the law of those states
13 which enact it.

14 Section 3. Definition of foreign judgment. In [this
15 act] "foreign judgment" means any judgment, decree, or order
16 of a court of the United States or of any other court which
17 is entitled to full faith and credit in this state.

18 Section 4. Filing and status of foreign judgments. A
19 copy of any foreign judgment authenticated in accordance
20 with an act of congress or the laws of this state may be
21 filed in the office of the clerk of any district court of
22 this state. The clerk shall treat the foreign judgment in
23 the same manner as a judgment of the district court. A
24 judgment so filed has the same effect and is subject to the
25 same procedures, defenses, and proceedings for reopening,

1 vacating, or staying as a judgment of a district court of
2 this state and may be enforced or satisfied in like manner.

3 Section 5. Notice of filing. (1) At the time of the
4 filing of the foreign judgment, the judgment creditor or his
5 lawyer shall make and file with the clerk an affidavit
6 setting forth the names and last-known post-office addresses
7 of the judgment debtor and the judgment creditor.

8 (2) Promptly upon the filing of the foreign judgment
9 and the affidavit, the clerk shall mail notice of the filing
10 of the foreign judgment to the judgment debtor at the
11 address given and shall make a note of the mailing in the
12 docket. The notice shall include the name and post-office
13 address of the judgment creditor and the judgment creditor's
14 lawyer, if any, in this state.

15 (3) In addition, the judgment creditor may mail a
16 notice of the filing of the judgment to the judgment debtor
17 and may file proof of mailing with the clerk. Lack of
18 mailing notice of filing by the clerk does not affect the
19 enforcement proceedings if proof of mailing by the judgment
20 creditor has been filed.

21 Section 6. Stay of execution. (1) If the judgment
22 debtor shows the district court that an appeal from the
23 foreign judgment is pending or will be taken or that a stay
24 of execution has been granted, the court shall stay
25 enforcement of the foreign judgment until the appeal is

1 concluded, the time for appeal expires, or the stay of
2 execution expires or is vacated, upon proof that the
3 judgment debtor has furnished the security for the
4 satisfaction of the judgment required by the state in which
5 it was rendered.

6 (2) If the judgment debtor shows the court any ground
7 upon which enforcement of a judgment of a district court of
8 this state would be stayed, the court shall stay enforcement
9 of the foreign judgment for an appropriate period, upon
10 requiring the same security for satisfaction of the judgment
11 which is required in this state.

12 Section 7. Right to bring action not affected. The
13 right of a judgment creditor to bring an action to enforce
14 his judgment instead of proceeding under [this act] remains
15 unimpaired.

-End-

Approved by Committee
on Judiciary

HOUSE BILL NO. 203

INTRODUCED BY ANDERSON, RAMIREZ, SCULLY, LORY

A BILL FOR AN ACT ENTITLED: "AN ACT TO ADOPT THE REVISED
UNIFORM ENFORCEMENT OF FOREIGN JUDGMENTS ACT; AMENDING
SECTION 26-3-203, MCA."

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

Section 1. Short title. [This act] may be cited as the
"Uniform Enforcement of Foreign Judgments Act".

Section 2. Uniformity of interpretation. [This act]
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which enact it.

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is entitled to full faith and credit in this state.

Section 4. Filing and status of foreign judgments. A
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with an act of congress or the laws of this state may be
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this state. The clerk shall treat the foreign judgment in
the same manner as a judgment of the district court. A
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notice of the filing of the judgment to the judgment debtor
and may file proof of mailing with the clerk. Lack of
mailing notice of filing by the clerk does not affect the
enforcement proceedings if proof of mailing by the judgment
creditor has been filed.

SECTION 6. THERE IS A NEW MCA SECTION THAT READS:

When execution may be issued. No execution or other
process for enforcement of a foreign judgment filed under
[sections 1 through 8] may be issued until 20 days after the

1 date the judgment is filed.

2 Section 7. Stay of execution. (1) If the judgment
 3 debtor shows the district court that an appeal from the
 4 foreign judgment is pending or will be taken or that a stay
 5 of execution has been granted, the court shall stay
 6 enforcement of the foreign judgment until the appeal is
 7 concluded, the time for appeal expires, or the stay of
 8 execution expires or is vacated, upon proof that the
 9 judgment debtor has furnished the security for the
 10 satisfaction of the judgment required by the state in which
 11 it was rendered.

12 (2) If the judgment debtor shows the court any ground
 13 upon which enforcement of a judgment of a district court of
 14 this state would be stayed, the court shall stay enforcement
 15 of the foreign judgment for an appropriate period, upon
 16 requiring the same security for satisfaction of the judgment
 17 which is required in this state.

18 Section 8. Right to bring action not affected. The
 19 right of a judgment creditor to bring an action to enforce
 20 his judgment instead of proceeding under [this act] remains
 21 unimpaired.

22 SECTION 9. SECTION 26-3-203, MCA, IS AMENDED TO READ:

23 *26-3-203. Effect of judicial record of another state.
 24 The effect of a judicial record of a sister state is the
 25 same in this state as in the state where it was made, except

1 that it can only be enforced here by an action or special
 2 proceeding or as provided in [sections 1 through 8] and
 3 except that the authority of a guardian or committee or of
 4 an executor or administrator does not extend beyond the
 5 jurisdiction of the government under which he was invested
 6 with his authority."

-End-

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