

House Bill 396

In The House

January 21, 1981	Introduced and referred to Committee on Judiciary.
February 7, 1981	Committee recommend bill do pass as amended.
February 9, 1981	Bill printed and placed on members' desks.
February 10, 1981	Second reading do pass.
February 11, 1981	Correctly engrossed.
February 12, 1981	Third reading passed.

In The Senate

February 13, 1981	Introduced and referred to Committee on Business and Industry.
March 9, 1981	Committee recommend bill concurred.
March 11, 1981	Second reading pass consideration.
March 12, 1981	Motion taken from second reading and referred to Judiciary. Motion Adopted.
	Rereferred to Committee on Judiciary.
March 17, 1981	Committee recommend bill concurred.
March 19, 1981	Second reading indefinitely postponed.

In The House

March 20, 1981	Returned from Senate indefinitely postponed.
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HOUSE BILL NO. 396

INTRODUCED BY *Mike Anderson*

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

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

9 Section 1. Short title. [Sections 1
10 through 8] may be cited as the "Uniform Enforcement of
11 Foreign Judgments Act".

12 NEW SECTION. Section 2. Uniformity of interpretation.
13 [Sections 1 through 8] are to be interpreted and construed
14 to effectuate the general purpose of making uniform the law
15 of those states which enact [sections 1 through 8].

16 NEW SECTION. Section 3. Definition of foreign
17 judgment. In [sections 1 through 8] "foreign judgment" means
18 any judgment, decree, or order of a court of the United
19 States or of any other court that is entitled to full faith
20 and credit in this state.

21 ~~NEW SECTION~~ Section 4. Filing and status of foreign
22 judgments. A copy of any foreign judgment authenticated in
23 accordance with an act of congress or the laws of this state
24 may be filed in the office of the clerk of any district
25 court of this state. The clerk shall treat the foreign

1 judgment in the same manner as a judgment of the district
2 court. A judgment so filed has the same effect and is
3 subject to the same procedures, defenses, and proceedings
4 for reopening, vacating, or staying as a judgment of a
5 district court of this state and may be enforced or
6 satisfied in like manner.

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

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

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

25 NEW SECTION. Section 6. When execution may be issued.

1 No execution or other process for enforcement of a foreign
 2 judgment filed under [sections 1 through 6] may be issued
 3 until 20 days after the date the judgment is filed.

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

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

20 NEW SECTION. Section 8. Right to bring action not
 21 affected. The right of a judgment creditor to bring an
 22 action to enforce his judgment instead of proceeding under
 23 [sections 1 through 6] remains unimpaired.

24 Section 9. Section 26-3-203, MCA, is amended to read:
 25 "26-3-203. Effect of judicial record of another state.

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

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Approved by Committee
on Judiciary

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20 and credit in this state, BUT DOES NOT INCLUDE ANY JUDGMENT,
21 ORDER, OR DECREE OF ANY INDIAN TRIBAL COURT IN THIS STATE OR
22 ELSEWHERE OR ANY JUDGMENT, ORDER, OR DECREE OF ANY COURT NOT
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10 jurisdiction of the government under which he was invested
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INTRODUCED BY R. ANDERSON, KEEDY, YARDLEY, M. ANDERSON

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