

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**Lawrence Keedy Gardley*

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:

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

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

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

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

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

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

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

(3) In addition, the judgment creditor may mail a
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.

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

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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 date the judgment is filed.

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

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

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

Section 7. Section 26-3-203, MCA, is amended to read:

"26-3-203. Effect of judicial record of another state.

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

-End-

Approved by Committee
on Judiciary

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INTRODUCED BY R. ANDERSON, KEEDY, YARDLEY, M. ANDERSON

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any judgment, decree, or order of a court of the United
States or of any other court that is entitled to full faith
and credit in this state, BUT DOES NOT INCLUDE ANY JUDGMENT,
ORDER, OR DECREE OF ANY INDIAN TRIBAL COURT IN THIS STATE OR
ELSEWHERE OR ANY JUDGMENT, ORDER, OR DECREE OF ANY COURT NOT
OF RECORD IN THE OTHER STATE.

NEW SECTION. Section 4. Filing and status of foreign
judgments. A copy of any foreign judgment authenticated in

accordance with an act of congress or the laws of this state
may be filed in the office of the clerk of any district
court of this state. The clerk shall treat the foreign
judgment in the same manner as a judgment of the district
court. A judgment so filed has the same effect and is
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for reopening, vacating, or staying as a judgment of a
district court of this state and may be enforced or
satisfied in like manner.

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address of the judgment creditor and the judgment creditor's
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(3) In addition, the judgment creditor may mail a
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1 enforcement proceedings if proof of mailing by the judgment
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12 concluded, the time for appeal expires, or the stay of
13 execution expires or is vacated, upon proof that the
14 judgment debtor has furnished the security for the
15 satisfaction of the judgment required by the state in which
16 it was rendered.

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

23 NEW SECTION. Section 8. Right to bring action not
24 affected. The right of a judgment creditor to bring an
25 action to enforce his judgment instead of proceeding under

1 [sections 1 through 8] remains unimpaired.

2 Section 9. Section 26-3-203, MCA, is amended to read:

3 "26-3-203. Effect of judicial record of another state.
4 The effect of a judicial record of a sister state is the
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