

January 22, 1963.

Senate File 39

By DORAN.

Passed on File,
Judiciary I, 1/23 Pass 3/21

Passed Senate, Date *3-29-63*

Passed House, Date.....

Vote: Ayes *47* Nays *0*

Vote: Ayes..... Nays.....

Approved.....

Judiciary 1 4/2

A BILL FOR

An Act relating to enforcement of foreign judgments.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. For the purposes of this Act, the following
2 definitions shall be used:

3 1. "Foreign judgment" means any judgment, decree or order
4 of a court of the United States or of any State or Territory
5 which is entitled to full faith and credit in this state.

6 2. "Register" means to file a foreign judgment in a
7 court of this state.

8 3. "Levy" means to take control of or create a lien upon
9 property under any judicial writ or process whereby satisfaction
10 of a judgment may be enforced against such property.

11 4. "Judgment debtor" means the party against whom a foreign
12 judgment has been rendered.

1 Sec. 2. On application made within the time allowed for
2 bringing an action on a foreign judgment in this state, any
3 person entitled to bring such action may have a foreign judgment
4 registered in any court of this state having jurisdiction of such
5 an action.

1 Sec. 3. A verified petition for registration shall set forth
2 a copy of the judgment to be registered, the date of its entry
3 and the record of any subsequent entries affecting it, all authenti-
4 cated in the manner authorized by the laws of the United States or of

5 this state, and a prayer that the judgment be registered. The
6 Clerk of the registering court shall notify the clerk of the
7 court which rendered the original judgment that application for
8 registration has been made, and shall request him to file this
9 information with the judgment.

1 Sec. 4. At any time after registration the petitioner shall
2 be entitled to have notice served upon the judgment debtor as in
3 an action brought upon the foreign judgment, in any manner author-
4 ized by the law of this state for obtaining jurisdiction of the
5 person.

1 Sec. 5. If jurisdiction of the person of the judgment
2 debtor cannot be obtained a notice clearly designating the
3 foreign judgment and reciting the fact of registration, the court
4 in which it is registered and the time allowed for pleading, shall
5 be sent by the Clerk of the registering court by registered mail
6 to the last known address of the judgment debtor. Proof of such
7 mailing shall be made by certificate of the Clerk.

1 Sec. 6. At any time after registration and regardless of
2 whether jurisdiction of the person of the judgment debtor has
3 been secured or final judgment has been obtained, a levy may be
4 made under the registered judgment upon any property of the
5 judgment debtor which is subject to execution or other judicial
6 process for satisfaction of judgments.

1 Sec. 7. If the judgment debtor fails to plead within sixty
2 days after jurisdiction over his person has been obtained, or if
3 the court after hearing has refused to set the registration aside,
4 the registered judgment shall become a final personal judgment
5 of the court in which it is registered.

1 Sec. 8. Any defense which under the law of this state

2 may be asserted by the defendant in an action on the foreign
3 judgment may be presented by appropriate pleadings and the
4 issue raised thereby shall be tried and determined as in other
5 civil actions. Such pleadings must be filed within sixty days
6 after personal jurisdiction is acquired over him or within
7 sixty days after the mailing of the notice prescribed in
8 section 5.

1 Sec. 9. If the judgment debtor shows that an appeal from
2 the original judgment is pending or that he is entitled and
3 intends to appeal therefrom, the court shall, on such terms
4 as it thinks just, postpone the trial for such time as appears
5 sufficient for the appeal to be concluded, and may set aside
6 the levy upon proof that the defendant has furnished adequate
7 security for satisfaction of the judgment.

1 Sec. 10. An order setting aside a registration constitutes
2 a final judgment in favor of the judgment debtor.

1 Sec. 11. An appeal may be taken by either party from any
2 judgment, order or decision sustaining or setting aside a
3 registration on the same terms as an appeal from a judgment,
4 order or decision of the same court.

1 Sec. 12. If personal jurisdiction of the judgment debtor
2 is not secured within sixty days after the levy and he has not,
3 within sixty days after the mailing of the notice prescribed by
4 section 5, acted to set aside the registration or to assert a
5 set-off, counter-claim or cross-petition the registered judgment
6 shall be a final judgment in rem of the court in which it is
7 registered, binding upon the judgment debtor's interest in
8 property levied upon, and the court shall enter an order to that

9 effect.

1 Sec. 13. Sale under the levy may be held at any time after
2 final judgment, either personal or in rem, but not earlier
3 except as otherwise provided by law for sale under levy on
4 perishable goods. Sale and distribution of the proceeds shall
5 be made in accordance with the law of this state.

1 Sec. 14. When a registered foreign judgment becomes a
2 final judgment of this state, the court shall include as part
3 of the judgment interest payable on the foreign judgment under
4 the law of the state in which it was rendered, and the cost of
5 obtaining the authenticated copy of the original judgment. The
6 court shall include as part of its judgment court costs inci-
7 dental to the proceeding in accordance with the law of this
8 state.

1 Sec. 15. Satisfaction, either partial or complete, of the
2 original judgment or of a judgment entered thereupon in any
3 other state shall operate to the same extent as satisfaction
4 of the judgment in this state, except as to costs authorized
5 by section 14.

1 Sec. 16. The right of a judgment creditor to bring an
2 action to enforce his judgment instead of proceeding under this
3 Act remain unimpaired.

SENATE FILE 39

1 Amend Senate File 39 as follows:

2 1. By inserting the following in section 7, line 1
3 after the word "sixty": "(60)".

4 2. By inserting the following in section 8, line 5
5 after the word "sixty": "(60)", and by inserting in
6 line 7 after the word "sixty": "(60)", and by
7 striking the numeral "5" in line 8 and inserting in
8 lieu thereof the following: "five (5)".

9 3. By inserting the following in section 12, line
10 2 after the word "sixty": "(60)", and by inserting the
11 following in line 3 after the word "sixty": "(60)",
12 and by striking the numeral "5" in line 4 and inserting
13 in lieu thereof the following: "five (5)".

14 4. By striking from section 15, line 5, the numeral
15 "14" and by inserting in lieu thereof the following:
16 "fourteen (14)".

Filed
March 27, 1963.

Adopted
3/29

By DORAN.