

Do from 4/4 (p. 752)

Judiciary
Hill of Polk, Chairperson
Ashcraft
Willits

FILED FEB 8 1978

SENATE FILE 2094

By DeKOSTER

Passed Senate, Date 4-11-78 (p. 824) Passed House, Date _____
Vote: Ayes 46 Nays 2 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the enforcement of foreign judgments.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SENATE FILE 2094

S-5518

1 Amend Senate File 2094 as follows:

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- 2 1. Page 1, by inserting after line 35 the
 - 3 following new subsection:
 - 4 "_____. In the event of a default judgment, notice
 - 5 shall be provided pursuant to the Iowa Rules of Civil
 - 6 Procedure, except in a civil action where the judgment
 - 7 is for money and the amount is less than one thousand
 - 8 dollars, exclusive of interest and costs, notice may
 - 9 be as provided in chapter six hundred thirty-one (631)
 - 10 of the Code."
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- 11 2. Page 2, line 17, by striking the words
 - 12 "judgment for" and inserting in lieu thereof the word
 - 13 "judgment."
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- 14 3. Page 2, by striking lines 18 and 19.
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S-5518 FILED
APRIL 10, 1978
Division A - Lost (p. 806)
Division B - Lost 4/11 (823)

BY JAMES M. REDMOND

1 Section 1. NEW SECTION. DEFINITION. As used in this
2 Act unless the context otherwise requires, "foreign judgment"
3 means any judgment, decree, or order of a court of the United
4 States or of any other court which is entitled to full faith
5 and credit in this state.

6 Sec. 2. NEW SECTION. FILING AND STATUS OF FOREIGN JUDG-
7 MENTS. A copy of any foreign judgment authenticated in ac-
8 cordance with an act of Congress or the statutes of this
9 state may be filed in the office of the clerk of the district
10 court of any county of this state. The clerk shall treat
11 the foreign judgment in the same manner as a judgment of the
12 district court of this state. A judgment so filed has the
13 same effect and is subject to the same procedures, defenses
14 and proceedings for reopening, vacating, or staying as a
15 judgment of the district court of this state and may be
16 enforced or satisfied in like manner.

17 Sec. 3. NEW SECTION. NOTICE OF FILING.

18 1. At the time of the filing of the foreign judgment,
19 the judgment creditor or his or her lawyer shall make and
20 file with the clerk of court an affidavit setting forth the
21 name and last known post office address of the judgment debtor,
22 and the judgment creditor.

23 2. Promptly upon the filing of the foreign judgment and
24 the affidavit as provided in subsection one (1) of this sec-
25 tion, the clerk shall mail notice of the filing of the foreign
26 judgment to the judgment debtor at the address given and shall
27 make a note of the mailing in the docket. The notice shall
28 include the name and post office address of the judgment
29 creditor and the judgment creditor's lawyer, if any, in this
30 state. In addition, the judgment creditor may mail a notice
31 of the filing of the judgment to the judgment debtor and may
32 file proof of mailing with the clerk. Lack of mailing notice
33 of filing by the clerk shall not affect the enforcement
34 proceedings if proof of mailing by the judgment creditor has
35 been filed.

1 3. No execution or other process for enforcement of a
2 foreign judgment filed under this Act shall issue until the
3 expiration of ten days after the date the judgment is filed.

4 Sec. 4. NEW SECTION. STAY.

5 1. If the judgment debtor shows the district court in
6 any county that an appeal from the foreign judgment is pend-
7 ing or will be taken, or that a stay of execution has been
8 granted, the court shall stay enforcement of the foreign
9 judgment until the appeal is concluded, the time for appeal
10 expires, or the stay of execution expires or is vacated, up-
11 on proof that the judgment debtor has furnished the security
12 for the satisfaction of the judgment required by the state
13 in which it was rendered.

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

20 Sec. 5. NEW SECTION. FEES. Any person filing a foreign
21 judgment shall pay a filing fee of five dollars to the clerk
22 of court. Fees for docketing, transcription or other enforce-
23 ment proceedings shall be as provided for judgments of the
24 district court.

25 Sec. 6. NEW SECTION. OPTIONAL PROCEDURE. The right of
26 a judgment creditor to bring an action to enforce his or her
27 judgment instead of proceeding under this Act remains unim-
28 paired.

29 Sec. 7. NEW SECTION. UNIFORMITY OF INTERPRETATION. This
30 Act shall be so interpreted and construed as to effectuate
31 its general purpose to make uniform the law of those states
32 which enact it.

33 Sec. 8. NEW SECTION. SHORT TITLE. This Act may be cited
34 as the uniform enforcement of foreign judgments Act.

35 Sec. 9. This Act shall take effect January 1, 1979.

EXPLANATION

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This bill contains the uniform Act relating to the enforcement of foreign judgments in this state. A foreign judgment is any judgment rendered by a court outside of this state, but the Act applies only to those judgments to which this state is required by the federal constitution to give full faith and credit.

The bill provides that as an alternative to commencing an action in Iowa to enforce a foreign judgment, the judgment creditor could file the judgment with the district court, giving notice by mail to the judgment debtor. Upon the expiration of ten days, unless the judgment debtor obtains a court order affecting the judgment, the judgment creditor would be entitled to use the same procedures for enforcing the judgment as would be available for enforcing a domestic judgment.