

*Amended 1/10/79
S. 3126 (S. 669)*

Reprinted 2/79

FILED JAN 10 1979

SENATE FILE 29

By DeKOSTER

Passed Senate, Date 5-7-79 (S. 669) Passed House, Date _____
Vote: Ayes 46 Nays 0 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 29

S-3126

- 1 Amend Senate File 29 as follows:
- 2 1. Page 1, line 10, by striking the words "any
- 3 county of this state" and inserting in lieu thereof
- 4 the words "a county of this state which would have
- 5 venue if the original action was being commenced in
- 6 this state".
- 7 2.. Page 1, by striking lines 30 through 35 and
- 8 inserting in lieu thereof the word "state."
- 9 3. Page 2, line 3, by striking the word "ten"
- 10 and inserting in lieu thereof the word "twenty".
- 11 4. Page 2, lines 6 and 7, by striking the words
- 12 "in any county" and inserting in lieu thereof the
- 13 words "in which the judgment is filed".
- 14 5. Page 2, lines 15 and 16, by striking the words
- 15 "in any county" and inserting in lieu thereof the
- 16 words "in which the judgment is filed".

1 Section 1. NEW SECTION. DEFINITION. As used in this
2 Act unless the context otherwise requires, "foreign judgment"
3 means a 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 a foreign judgment authenticated in ac-
8 cordance with an act of Congress or the statutes of this state
9 may be filed in the office of the clerk of the district court
10 of any county of this state. The clerk shall treat the foreign
11 judgment in the same manner as a judgment of the district
12 court of this state. A judgment so filed has the same effect
13 and is subject to the same procedures, defenses and proceedings
14 for reopening, vacating, or staying as a judgment of the
15 district court of this state and may be enforced or satisfied
16 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.

5 STAY.

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

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

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

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

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

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

See Judiciary 3/12

SENATE FILE 29

Do Pass 4/2 (p. 1270)

By DeKOSTER

(AS AMENDED AND PASSED BY THE SENATE MARCH 7, 1979)

Passed Senate, Date 3-7-79 (p. 659) Passed House, Date 4-26-79 (p. 1692)

Vote: Ayes 46 Nays 0 Vote: Ayes 80 Nays 0

Approved May 3, 1979

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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————— = New Language
by the Senate

1 Section 1. NEW SECTION. DEFINITION. As used in this
2 Act unless the context otherwise requires, "foreign judgment"
3 means a 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 a foreign judgment authenticated in ac-
8 cordance with an act of Congress or the statutes of this state
9 may be filed in the office of the clerk of the district court
10 of a county of this state which would have venue if the
11 original action was being commenced in this state. The clerk
12 shall treat the foreign judgment in the same manner as a
13 judgment of the district court of this state. A judgment
14 so filed has the same effect and is subject to the same
15 procedures, defenses and proceedings for reopening, vacating,
16 or staying as a judgment of the district court of this state
17 and may be enforced or satisfied in like manner.

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

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

24 2. Promptly upon the filing of the foreign judgment and
25 the affidavit as provided in subsection one (1) of this sec-
26 tion, the clerk shall mail notice of the filing of the foreign
27 judgment to the judgment debtor at the address given and shall
28 make a note of the mailing in the docket. The notice shall
29 include the name and post office address of the judgment
30 creditor and the judgment creditor's lawyer, if any, in this
31 state.

32 3. No execution or other process for enforcement of a
33 foreign judgment filed under this Act shall issue until the
34 expiration of twenty days after the date the judgment is
35 filed.

1 Sec. 4. NEW SECTION.

2 STAY.

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

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

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

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

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

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

34 Sec. 9. This Act shall take effect on January first fol-
35 lowing its enactment.

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.

The bill would take effect on January first following its enactment.

SENATE FILE 29

AN ACT
RELATING TO THE ENFORCEMENT OF FOREIGN JUDGMENTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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

Sec. 2. NEW SECTION. FILING AND STATUS OF FOREIGN JUDGMENTS. A copy of a foreign judgment authenticated in accordance with an act of Congress or the statutes of this state may be filed in the office of the clerk of the district court of a county of this state which would have venue if the original action was being commenced in this state. The clerk shall treat the foreign judgment in the same manner as a judgment of the district court of this state. 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 the district court of this state and may be enforced or satisfied in like manner.

Sec. 3. NEW SECTION. NOTICE OF FILING.

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

2. Promptly upon the filing of the foreign judgment and the affidavit as provided in subsection one (1) of this section, 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. No execution or other process for enforcement of a foreign judgment filed under this Act shall issue until the expiration of twenty days after the date the judgment is filed.

Sec. 4. NEW SECTION. STAY.

1. If the judgment debtor shows the district court in which the judgment is filed 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 district court in which the judgment is filed that grounds exist upon which enforcement of a judgment of the 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.

Sec. 5. NEW SECTION. FEES. A person filing a foreign judgment shall pay a filing fee of five dollars to the clerk of court. Fees for docketing, transcription or other enforcement proceedings shall be as provided for judgments of the district court.

Sec. 6. NEW SECTION. OPTIONAL PROCEDURE. The right of a judgment creditor to bring an action to enforce his or her judgment instead of proceeding under this Act remains unimpaired.

Sec. 7. NEW SECTION. UNIFORMITY OF INTERPRETATION. This Act shall be so interpreted and construed as to effectuate

its general purpose to make uniform the law of those states which enact it.

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

Sec. 9. This Act shall take effect on January first following its enactment.

TERRY E. BRANSTAD
President of the Senate

FLOYD H. MILLEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 29, Sixty-eighth General Assembly.

FRANK J. STORK
Secretary of the Senate

Approved May 3, 1979

ROBERT D. RAY
Governor