HOUSE DOCKET, NO. 468 FILED ON: 1/11/2013

HOUSE . . . . . No. 1187

The Commonwealth of Massachusetts

PRESENTED BY:

Ruth B. Balser

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to establish the uniform enforcement of foreign judgments.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Ruth B. Balser	*12th Middlesex*
Colleen M. Garry	*36th Middlesex*

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By Ms. Balser of Newton, a petition (accompanied by bill, House, No. 1187) of Ruth B. Balser and Colleen M. Garry for legislation to establish the uniform enforcement of foreign judgments. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *4268* OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act to establish the uniform enforcement of foreign judgments.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 218 of the General Laws is hereby amended by inserting after section 4 the following section:-

Section 4A. (a) This section may be cited as the Massachusetts Uniform Enforcement of Foreign Judgments Act.

(b) As used in this section, the following words shall, unless the context clearly requires otherwisehave the following meanings:

"Foreign judgment", any 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 the commonwealth.

“District Court”, any division of the district court department of the trial court and the Boston municipal court department.

“Judgment creditor”, the owner of an unsatisfied judgment.

“Judgment debtor”, a person against whom a judgment has entered which remains unsatisfied.

(c) A copy of any foreign judgment authenticated in accordance with an act of Congress or the laws of the commonwealth may be filed by a judgment creditor in the office of the clerk of the district court in which the judgment debtor resides or, if the judgment debtor is not a natural person, has a usual place of business, at the time of the filing. The clerk shall treat the foreign judgment in the same manner as a judgment of the district court of the commonwealth. 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 the commonwealth and may be enforced or satisfied in like manner.

(d) At the time of the filing of the foreign judgment, the judgment creditor or the judgment creditor's lawyer shall make and file with the clerk of the district court an affidavit setting forth the name and last known post office address of the judgment debtor, and the judgment creditor.

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. 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 shall not affect the enforcement proceedings if proof of mailing by the judgment creditor has been filed.

No execution or other process for enforcement of a foreign judgment filed hereunder shall issue until 30 days after the date the judgment is filed.

(e) 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.

If the judgment debtor shows the district court any ground upon which enforcement of a judgment of any district court of the commonwealth 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 commonwealth.

(f) Any person filing a foreign judgment shall pay to the clerk of the district court the fee required for the entry of a complaint as set forth in sections 2 and 4C of chapter 262. Fees for docketing, transcription or other enforcement proceedings shall be as provided for judgments of the district court.

50 (g) The right of a judgment creditor to bring an action to enforce his judgment instead of
51 proceeding under this section remains unimpaired.

52 (h) This section shall be so interpreted and construed as to effectuate its general purpose
53 to make uniform the law of those states which enact it.

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