

SENATE No. 781

The Commonwealth of Massachusetts

PRESENTED BY:

Stanley C. Rosenberg, (BY REQUEST)

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 relative to small claims.

PETITION OF:

NAME:

Deb Parker

DISTRICT/ADDRESS:

5 Norwood Court Rockport, MA 01966

SENATE No. 781

By Mr. Rosenberg (by request), a petition (accompanied by bill, Senate, No. 781) of Deb Parker for legislation relative to small claims. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to small claims.

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

1 SECTION 1. Chapter 218 of the General Laws is hereby amended by inserting after
2 section 25, the following new section:-

3 Section 25A. Any party who obtains a judgment for money damages under the procedure
4 shall, within 60 days after full satisfaction of such judgment, file a notice of satisfaction of
5 judgment with the court that issued the judgment. Any party who fails to do so shall be liable to
6 the judgment debtor for any costs and attorneys fees awarded on motion in the court's discretion
7 that were reasonably incurred in proving that the judgment was satisfied in full. This section
8 shall not apply to a judgment that has been satisfied by levy of execution.

9 At the request of the defendant, and upon notice to the plaintiff, a judge or magistrate
10 may order the entry of a docket notation indicating full satisfaction of the judgment if the
11 defendant files an affidavit stating that he or she has made full payment of the judgment, and that
12 the plaintiff has been requested to file an acknowledgment of satisfaction of the judgment and
13 refuses to do so, or that the present address of the plaintiff is unknown. The defendant shall
14 accompany such affidavit with canceled checks or money orders for the full amount of the
15 judgment written by the defendant and made payable to and endorsed by the plaintiff, or cash
16 receipts for the full amount of the judgment made out to the defendant and signed by the
17 plaintiff, or other documents demonstrating the plaintiff's receipt of full payment of the
18 judgment. Any such docket notation shall establish a rebuttable presumption of full payment of
19 the judgment.