

HOUSE No. 1277

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:

Ruth B. Balser

Paul W. Mark

DISTRICT/ADDRESS:

12th Middlesex

2nd Berkshire

HOUSE No. 1277

By Ms. Balsler of Newton, a petition (accompanied by bill, House, No. 1277) of Ruth B. Balsler and Paul W. Mark for legislation to establish a system of uniform enforcement of foreign judgments. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1275 OF 2009-2010.]

The Commonwealth of Massachusetts

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In the Year Two Thousand Eleven
—————

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:

1 SECTION 1. Chapter 218 of the General Laws, as appearing in the 2006 Official
2 Edition, is hereby amended by inserting after section 4 the following section:—

3 Section 4A. Uniform enforcement of foreign judgments

4 1. Definitions

5 The following words, as used in this chapter, unless the text otherwise requires or a
6 different meaning is specifically required shall mean –

7 (a) "Foreign judgment" means any judgment, decree, or order of a court of the United
8 States or of any other court which is entitled to full faith and credit in this commonwealth.

9 (b) “District Court” means any division of the District Court Department of the Trial
10 Court and the Boston Municipal Court Department.

11 (c) “Judgment creditor” means the owner of an unsatisfied judgment.

12 (d) “Judgment debtor” means a person against whom a judgment has entered which
13 remains unsatisfied.

14 2. Filing and Status of Foreign Judgments

15 A copy of any foreign judgment authenticated in accordance with the act of Congress or
16 the statutes of this commonwealth may be filed by a judgment creditor in the office of the Clerk
17 of the District Court in which the judgment debtor resides or, if the judgment debtor is not a
18 natural person, has a usual place of business, at the time of the filing. The Clerk shall treat the
19 foreign judgment in the same manner as a judgment of the District Court of this commonwealth.
20 A judgment so filed has the same effect and is subject to the same procedures, defenses and
21 proceedings for reopening, vacating, or staying as a judgment of a District Court of this
22 commonwealth and may be enforced or satisfied in like manner.

23 3. Notice of Filing

24 (a) At the time of the filing of the foreign judgment, the judgment creditor or his lawyer
25 shall make and file with the Clerk of the District Court an affidavit setting forth the name and
26 last known post office address of the judgment debtor, and the judgment creditor.

27 (b) Promptly upon the filing of the foreign judgment and the affidavit, the Clerk shall
28 mail notice of the filing of the foreign judgment to the judgment debtor at the address given and
29 shall make a note of the mailing in the docket. The notice shall include the name and post office

30 address of the judgment creditor and the judgment creditor's lawyer, if any, in this state. In
31 addition, the judgment creditor may mail a notice of the filing of the judgment to the judgment
32 debtor and may file proof of mailing with the Clerk. Lack of mailing notice of filing by the Clerk
33 shall not affect the enforcement proceedings if proof of mailing by the judgment creditor has
34 been filed.

35 (c) No execution or other process for enforcement of a foreign judgment filed hereunder
36 shall issue until thirty days after the date the judgment is filed.

37 4. Stay

38 (a) If the judgment debtor shows the District Court that an appeal from the foreign
39 judgment is pending or will be taken, or that a stay of execution has been granted, the court shall
40 stay enforcement of the foreign judgment until the appeal is concluded, the time for appeal
41 expires, or the stay of execution expires or is vacated, upon proof that the judgment debtor has
42 furnished the security for the satisfaction of the judgment required by the state in which it was
43 rendered.

44 (b) If the judgment debtor shows the District Court any ground upon which enforcement
45 of a judgment of any District Court of this commonwealth would be stayed, the court shall stay
46 enforcement of the foreign judgment for an appropriate period, upon requiring the same security
47 for satisfaction of the judgment which is required in this commonwealth.

48 5. Fees

49 Any person filing a foreign judgment shall pay to the Clerk of the District Court the fee
50 required for the entry of a complaint as set forth in sections 2 and 4C of chapter 262. Fees for

51 docketing, transcription or other enforcement proceedings shall be as provided for judgments of
52 the District Court.

53 6. Optional Procedure

54 The right of a judgment creditor to bring an action to enforce his judgment instead of
55 proceeding under this Act remains unimpaired.

56 7. Uniformity of Interpretation

57 This Act shall be so interpreted and construed as to effectuate its general purpose to
58 make uniform the law of those states which enact it.

59 8. Short Title

60 This Act may be cited as the Massachusetts Uniform Enforcement of Foreign Judgments
61 Act.