HOUSE DOCKET, NO. FILED ON: 12/29/2008

**HOUSE . . . . . . . . . . . . . . . No.**

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The Commonwealth of Massachusetts

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PRESENTED BY:

**Ruth B. Balser**

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*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 passage of the accompanying bill:

An Act to establish the uniform enforcement of foreign judgments.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PETITION OF:

|  |  |
| --- | --- |
| Name: | District/Address: |
| Ruth B. Balser | 12th Middlesex |

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1316 OF .]

The Commonwealth of Massachusetts

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**In the Year Two Thousand and Nine**

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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, as appearing in the 2006 Official Edition, is hereby amended by inserting after section 4 the following section:—

Section 4A. Uniform enforcement of foreign judgments

 1. Definitions

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

(a) "Foreign judgment" means 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 this commonwealth.

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

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

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

 2. Filing and Status of Foreign Judgments

 A copy of any foreign judgment authenticated in accordance with the act of Congress or the statutes of this 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 this 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 this commonwealth and may be enforced or satisfied in like manner.

 3. Notice of Filing

 (a) At the time of the filing of the foreign judgment, the judgment creditor or his 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.

(b) 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.

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

 4. Stay

 (a) 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.

 (b) If the judgment debtor shows the District Court any ground upon which enforcement of a judgment of any District Court of this 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.

 5. Fees

 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.

 6. Optional Procedure

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

 7. 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.

8. Short Title

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