

HOUSE No.

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 passage of the accompanying bill:

An Act to establish the uniform enforcement of foreign judgments.

PETITION OF:

NAME:

Ruth B. Balser

DISTRICT/ADDRESS:

12th Middlesex

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

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

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 different
6 meaning is specifically required shall mean —

7 (a) "Foreign judgment" means any judgment, decree, or order of a court of the United States or
8 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 Court and
10 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 remains
13 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 the
16 statutes of this commonwealth may be filed by a judgment creditor in the office of the Clerk of
17 the District Court in which the judgment debtor resides or, if the judgment debtor is not a natural
18 person, has a usual place of business, at the time of the filing. The Clerk shall treat the foreign
19 judgment in the same manner as a judgment of the District Court of this commonwealth. A
20 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 shall
25 make and file with the Clerk of the District Court an affidavit setting forth the name and last
26 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 mail notice
28 of the filing of the foreign judgment to the judgment debtor at the address given and shall make a
29 note of the mailing in the docket. The notice shall include the name and post office address of the
30 judgment creditor and the judgment creditor's lawyer, if any, in this state. In addition, the
31 judgment creditor may mail a notice of the filing of the judgment to the judgment debtor and
32 may file proof of mailing with the Clerk. Lack of mailing notice of filing by the Clerk shall not
33 affect the enforcement proceedings if proof of mailing by the judgment creditor has been filed.

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

36 4. Stay

37 (a) If the judgment debtor shows the District Court that an appeal from the foreign judgment is
38 pending or will be taken, or that a stay of execution has been granted, the court shall stay

39 enforcement of the foreign judgment until the appeal is concluded, the time for appeal expires, or
40 the stay of execution expires or is vacated, upon proof that the judgment debtor has furnished the
41 security for the satisfaction of the judgment required by the state in which it was rendered.

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

46 5. Fees

47 Any person filing a foreign judgment shall pay to the Clerk of the District Court the fee required
48 for the entry of a complaint as set forth in sections 2 and 4C of chapter 262. Fees for docketing,
49 transcription or other enforcement proceedings shall be as provided for judgments of the District
50 Court.

51 6. Optional Procedure

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

54 7. Uniformity of Interpretation

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

57 8. Short Title

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