

# HOUSE BILL No. 1042

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 34-4-10.5.

**Synopsis:** Uniform enforcement of foreign judgments. Creates the uniform enforcement of foreign judgments act to provide for the filing of foreign judgments with circuit courts.

**Effective:** July 1, 1998.

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January 6, 1998, read first time and referred to Committee on Judiciary.

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Introduced

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

## HOUSE BILL No. 1042

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A BILL FOR AN ACT to amend the Indiana Code concerning civil law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 34-4-10.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 1998]:

4 **Chapter 10.5. Uniform Enforcement of Foreign Judgments Act**  
5 **Sec. 1. In this chapter, "foreign judgment" means any**  
6 **judgment, decree, or order of a court of the United States or of any**  
7 **other court which is entitled to full faith and credit in this state.**

8 **Sec. 2. A copy of any foreign judgment authenticated in**  
9 **accordance with the act of Congress or the statutes of this state**  
10 **may be filed in the office of the clerk of the circuit court of any**  
11 **county in Indiana. The clerk shall treat the foreign judgment in the**  
12 **same manner as a judgment of any court of this state. A judgment**  
13 **so filed has the same effect and is subject to the same procedures,**  
14 **defenses and proceedings for reopening, vacating, or staying as a**  
15 **judgment of any court of this state and may be enforced or**  
16 **satisfied in like manner.**

17 **Sec. 3. (a) At the time of the filing of the foreign judgment, the**

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1 judgment creditor or the judgment creditor's lawyer shall make  
2 and file with the clerk of the circuit court an affidavit setting forth  
3 the name and last known post office address of the judgment  
4 debtor and the judgment creditor.

5 (b) Promptly upon the filing of the foreign judgment and the  
6 affidavit, the clerk shall mail notice of the filing of the foreign  
7 judgment to the judgment debtor at the address given and shall  
8 make a note of the mailing in the docket. The notice shall include  
9 the name and post office address of the judgment creditor and the  
10 judgment creditor's lawyer, if any, in this state. In addition, the  
11 judgment creditor may mail a notice of the filing of the judgment  
12 to the judgment debtor and may file proof of mailing with the  
13 clerk. Lack of mailing notice of filing by the clerk shall not affect  
14 the enforcement proceedings if proof of mailing by the judgment  
15 creditor has been filed.

16 (c) No execution or other process for enforcement of a foreign  
17 judgment filed hereunder shall issue until twenty (20) days after  
18 the date the judgment is filed.

19 Sec. 4. (a) If the judgment debtor shows the circuit court that an  
20 appeal from the foreign judgment is pending or will be taken, or  
21 that a stay of execution has been granted, the court shall stay  
22 enforcement of the foreign judgment until the appeal is concluded,  
23 the time for appeal expires, or the stay of execution expires or is  
24 vacated, upon proof that the judgment debtor has furnished the  
25 security for the satisfaction of the judgment required by the state  
26 in which it was rendered.

27 (b) If the judgment debtor shows the circuit court any ground  
28 upon which enforcement of a judgment of any circuit court of this  
29 state would be stayed, the court shall stay enforcement of the  
30 foreign judgment for an appropriate period, upon requiring the  
31 same security for satisfaction of the judgment that is required in  
32 Indiana.

33 Sec. 5. Any person filing a foreign judgment shall pay to the  
34 clerk of the circuit court one hundred dollars (\$100). Fees for  
35 docketing, transcription, or other enforcement proceedings shall  
36 be as provided for judgments of the circuit court of the county  
37 where the judgment is filed.

38 Sec. 6. The right of a judgment creditor to bring an action to  
39 enforce the judgment creditor's judgment instead of proceeding  
40 under this chapter remains unimpaired.

41 Sec. 7. This chapter shall be so interpreted and construed as to  
42 effectuate its general purpose to make uniform the law of those



1       **states which enact it.**  
2           **Sec. 8. This chapter may be cited as the Uniform Enforcement**  
3       **of Foreign Judgments Act.**

