



LAWS OF ALASKA

1972

Source

HB 452 am S

Chapter No.

69

AN ACT

Relating to the Uniform Enforcement of Foreign Judgments Act.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 09.30 is amended by adding new sections to read:

ARTICLE 2. UNIFORM ENFORCEMENT OF FOREIGN JUDGMENTS ACT.

Sec. 09.30.200. FILING AND STATUS OF FOREIGN JUDGMENTS. A copy of a foreign judgment authenticated in accordance with the Act of Congress or the laws of this state may be filed in the office of the clerk of the superior court of this state. The clerk shall treat the foreign judgment in the same manner as a judgment of the superior court. 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 the superior court and may be enforced or satisfied in like manner.

Sec. 09.30.210. 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 court an affidavit setting out 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 under secs. 200 - 270 of this chapter shall issue until 20 days after the date the judgment is filed.

Sec. 09.30.220. STAY. (a) If the judgment debtor shows the superior 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 superior court any ground upon which enforcement of a judgment of the superior court of this state 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 state.

Sec. 09.30.230. FEES. A person filing a foreign judgment shall pay to the clerk of court the fee prescribed for the filing of an action. Fees for docketing, transcription or other enforcement proceedings shall be as provided for judgments of the superior court of this state.

Sec. 09.30.240. OPTIONAL PROCEDURE. The right of a judgment creditor to bring an action to enforce his judgment instead of proceeding under secs. 200 - 270 of this chapter remains unimpaired.

Sec. 09.30.250. UNIFORMITY OF INTERPRETATION. Secs. 200 - 270 of this chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact the Uniform Enforcement of Foreign Judgments Act.

Sec. 09.30.260. DEFINITIONS. In secs. 200 - 270 of this chapter "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 state.

Sec. 09.30.270. SHORT TITLE. Secs. 200 - 270 of this chapter may be cited as the Uniform Enforcement of Foreign Judgments Act.