

Introduced: 4/27/71  
Referred: Judiciary

1 IN THE HOUSE

2 HOUSE BILL NO. 452

*am S*

BY MORAN

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Uniform Enforcement of Foreign  
7 Judgments Act."

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

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

10 ARTICLE 2. UNIFORM ENFORCEMENT OF FOREIGN JUDGMENTS ACT.

11 Sec. 09.30.100. FILING AND STATUS OF FOREIGN JUDGMENTS. A copy  
12 of a foreign judgment authenticated in accordance with the act of  
13 Congress or the laws of this state may be filed in the office of the  
14 clerk of the superior court of this state. The clerk shall treat the  
15 foreign judgment in the same manner as a judgment of the superior  
16 court. A judgment so filed has the same effect and is subject to the  
17 same procedures, defenses, and proceedings for reopening, vacating, or  
18 staying as a judgment of the superior court and may be enforced or  
19 satisfied in like manner.

20 Sec. 09.30.110. NOTICE OF FILING. (a) At the time of the filing  
21 of the foreign judgment, the judgment creditor or his lawyer shall  
22 make and file with the clerk of court an affidavit setting out the  
23 name and last known post office address of the judgment debtor, and  
24 the judgment creditor.

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

1 creditor's lawyer, if any, in this state. In addition, the judgment  
2 creditor may mail a notice of the filing of the judgment to the judgment  
3 debtor and may file proof of mailing with the clerk. Lack of mailing  
4 notice of filing by the clerk shall not affect the enforcement pro-  
5 ceedings if proof of mailing by the judgment creditor has been filed.

6 (c) No execution or other process for enforcement of a foreign  
7 judgment filed under secs. 100 - 170 of this chapter shall issue until  
8 20 days after the date the judgment is filed.

9 Sec. 09.30.120. STAY. (a) If the judgment debtor shows the  
10 superior court that an appeal from the foreign judgment is pending or  
11 will be taken, or that a stay of execution has been granted, the court  
12 shall stay enforcement of the foreign judgment until the appeal is  
13 concluded, the time for appeal expires, or the stay of execution  
14 expires or is vacated, upon proof that the judgment debtor has furnished  
15 the security for the satisfaction of the judgment required by the state  
16 in which it was rendered.

17 (b) If the judgment debtor shows the superior court any ground  
18 upon which enforcement of a judgment of the superior court of this  
19 state would be stayed, the court shall stay enforcement of the foreign  
20 judgment for an appropriate period, upon requiring the same security  
21 for satisfaction of the judgment which is required in this state.

22 Sec. 09.30.130. FEES. A person filing a foreign judgment shall  
23 pay to the clerk of court the fee prescribed for the filing of an  
24 action. Fees for docketing, transcription or other enforcement pro-  
25 ceedings shall be as provided for judgments of the superior court of  
26 this state.

27 Sec. 09.30.140. OPTIONAL PROCEDURE. The right of a judgment  
28 creditor to bring an action to enforce his judgment instead of pro-  
29 ceeding under secs. 100 - 170 of this chapter remains unimpaired.

1           Sec. 09.30.150. UNIFORMITY OF INTERPRETATION. Secs. 100 - 170  
2 of this chapter shall be so interpreted and construed as to effectuate  
3 its general purpose to make uniform the law of those states which  
4 enact the Uniform Enforcement of Foreign Judgments Act.

5           Sec. 09.30.160. DEFINITIONS. In secs. 100 - 170 of this chapter  
6 "foreign judgment" means any judgment, decree, or order of a court of  
7 the United States or of any other court which is entitled to full  
8 faith and credit in this state.

9           Sec. 09.30.170. SHORT TITLE. Secs. 100 - 170 of this chapter  
10 may be cited as the Uniform Enforcement of Foreign Judgments Act.  
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