



# SENATE BILL No. 819

January 25, 1996, Introduced by Senator PETERS and referred to the Committee on Judiciary.

A bill to provide for the enforcement of foreign judgments.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 1. This act shall be known and may be cited as the  
2 "uniform enforcement of foreign judgments act".

3       Sec. 2. As used in this act, "foreign judgment" means any  
4 judgment, decree, or order of a court of the United States or of  
5 any other court that is entitled to full faith and credit in this  
6 state.

7       Sec. 3. A copy of a foreign judgment authenticated in  
8 accordance with an act of congress or the laws of this state may  
9 be filed in the office of the clerk of the circuit court, the  
10 district court, or a municipal court of this state. The clerk  
11 shall treat the foreign judgment in the same manner as a judgment  
12 of the circuit court, the district court, or a municipal court of  
13 this state. A judgment filed under this act has the same effect

1 and is subject to the same procedures, defenses, and proceedings  
2 for reopening, vacating, or staying as a judgment of the circuit  
3 court, the district court, or a municipal court of this state and  
4 may be enforced or satisfied in like manner.

5       Sec. 4. (1) At the time of the filing of the foreign judg-  
6 ment, the judgment creditor or his or her attorney shall make and  
7 file with the clerk of the court an affidavit setting forth the  
8 name and last known address of the judgment debtor and the judg-  
9 ment creditor.

10       (2) Promptly after the foreign judgment and the affidavit  
11 have been filed, the clerk shall mail notice of the filing of the  
12 foreign judgment to the judgment debtor at the address provided  
13 by the judgment creditor or his or her attorney. The notice  
14 shall include the name and address of the judgment creditor and  
15 the judgment creditor's attorney, if any, in this state. In  
16 addition, the judgment creditor may mail a notice of the filing  
17 of the judgment to the judgment debtor and may file proof of  
18 mailing with the clerk. The clerk's failure to mail a notice of  
19 filing shall not affect the enforcement proceedings if proof of  
20 mailing by the judgment creditor has been filed.

21       (3) A foreign judgment filed under this act shall not be  
22 enforced until 20 days after the date the judgment is filed.

23       Sec. 5. (1) If the judgment debtor shows the circuit court,  
24 the district court, or a municipal court that an appeal from the  
25 foreign judgment is pending or will be taken, or that a stay of  
26 execution has been granted, the court shall stay enforcement of  
27 the foreign judgment until the appeal is concluded, the time for

1 appeal expires, or the stay of execution expires or is vacated,  
2 upon proof that the judgment debtor has furnished the security  
3 for the satisfaction of the judgment required by the state in  
4 which it was rendered.

5 (2) If the judgment debtor shows the circuit court, the dis-  
6 trict court, or a municipal court any ground upon which enforce-  
7 ment of a judgment of the circuit court, the district court, or a  
8 municipal court of this state would be stayed, the court shall  
9 stay enforcement of the foreign judgment for an appropriate  
10 period, upon requiring the same security for satisfaction of the  
11 judgment that is required in this state.

12 Sec. 6. A judgment creditor may bring an action to enforce  
13 his or her judgment instead of proceeding under this act.

14 Sec. 7. This act shall be so interpreted and construed as  
15 to effectuate its general purpose to make uniform the law of  
16 those states which enact it.