UNIFORM ENFORCEMENT OF FOREIGN JUDGMENTS ACT

Act 502 of 1996

AN ACT to provide for the enforcement of foreign judgments.

History: 1996, Act 502, Eff. June 1, 1997

The People of the State of Michigan enact:

691.1171 Short title.

Sec. 1.

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

History: 1996, Act 502, Eff. June 1, 1997

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691.1172 "Foreign judgment" defined.

Sec. 2.

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

History: 1996, Act 502, Eff. June 1, 1997

691.1173 Foreign judgment; filing; effect.

Sec. 3.

A copy of a foreign judgment authenticated in accordance with an act of congress or the laws of this state may be filed in the office of the clerk of the circuit court, the district court, or a municipal court of this state. The clerk shall treat the foreign judgment in the same manner as a judgment of the circuit court, the district court, or a municipal court of this state. A judgment filed under this act has the same effect and is subject to the same procedures, defenses, and proceedings for reopening, vacating, or staying as a judgment of the circuit court, the district court, or a municipal court of this state and may be enforced or satisfied in like manner.

History: 1996, Act 502, Eff. June 1, 1997

691.1174 Foreign judgment; filing; affidavit; fee; notice of filing; enforcement.

Sec. 4.

(1) At the time of the filing of the foreign judgment, the judgment creditor or his or her attorney shall make and file with the clerk of the court an affidavit setting forth the name and last known address of the judgment debtor and the judgment creditor.

(2) At the time of the filing of the foreign judgment, the judgment creditor shall pay a filing fee as follows:

(a) In the circuit court, a sum equal to the amount required to file a civil action under section 2529 of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being section 600.2529 of the Michigan Compiled Laws.

(b) In the district court, a sum equal to the amount required to file a civil action under section 8371 of Act No. 236 of the Public Acts of 1961, being section 600.8371 of the Michigan Compiled Laws. For the purposes of determining the amount of the filing fee, the amount in controversy shall equal the amount of the foreign judgment.

(c) In a municipal court, a sum equal to the amount required to file a civil action under section 28 of the Michigan uniform municipal court act, Act No. 5 of the Public Acts of 1956, being section 730.528 of the Michigan Compiled Laws. For the purposes of determining the amount of the filing fee, the amount in controversy shall equal the amount of the foreign judgment.

(3) Promptly after the foreign judgment and the affidavit have been filed, the clerk shall mail notice of the filing of the foreign judgment to the judgment debtor at the address provided by the judgment creditor or his or her attorney. The notice shall include the name and address of the judgment creditor and the judgment creditor's attorney, 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. The clerk's failure to mail a notice of filing shall not affect the enforcement proceedings if proof of mailing by the judgment creditor has been filed.

(4) A foreign judgment filed under this act shall not be enforced until 21 days after the date notice of the filing of the foreign judgment is mailed.

History: 1996, Act 502, Eff. June 1, 1997

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691.1175 Foreign judgment; stay of enforcement.

Sec. 5.

(1) If the judgment debtor shows the circuit court, the district court, or a municipal 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.

(2) If the judgment debtor shows the circuit court, the district court, or a municipal court any ground upon which enforcement of a judgment of the circuit court, the district court, or a municipal 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 that is required in this state.

History: 1996, Act 502, Eff. June 1, 1997

691.1176 Post judgment interest.

Sec. 6.

Post judgment interest will be awarded in accordance with the law of the jurisdiction in which the judgment was awarded.

History: 1996, Act 502, Eff. June 1, 1997

691.1177 Enforcement action by judgment creditor.

Sec. 7.

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

History: 1996, Act 502, Eff. June 1, 1997

691.1178 Interpretation and construction of act.

Sec. 8.

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

History: 1996, Act 502, Eff. June 1, 1997

691.1179 Effective date.

Sec. 9.

This act shall take effect June 1, 1997.

History: 1996, Act 502, Eff. June 1, 1997

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