

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

SENATE BILL

489

By: Senator Dowd

For An Act To Be Entitled

"AN ACT TO BE KNOWN AS A REVISED UNIFORM ENFORCEMENT OF
FOREIGN JUDGMENTS ACT; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Definition. In this Act "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.

SECTION 2. Filing and Status of Foreign Judgments. A copy of any foreign judgment authenticated in accordance with the act of Congress or the statutes of this state may be filed in the office of the Clerk of any Circuit Court of any county of this state. The Clerk shall treat the foreign judgment in the same manner as a judgment of the Circuit Court of any county of this state. 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 a Circuit Court of any county of this state and may be enforced or satisfied in like manner.

SECTION 3. 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 forth 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 hereunder shall issue until ten (10) days after the date the judgment is filed.

SECTION 4. Stay.

(a) If the judgment debtor shows the Circuit Court of any county 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 Circuit Court of any county any ground upon which enforcement of a judgment of any Circuit Court of any county 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.

SECTION 5. Any person filing a foreign judgment shall pay to the clerk of court the same filing fee that would be paid for the filing of a civil action. Fees for docketing, transcription, or other enforcement proceedings shall be as provided in other civil proceedings in the circuit courts of this state.

SECTION 6. Optional Procedure. The right of a judgment creditor to bring an action to enforce his judgment instead of proceeding under this Act remains unimpaired.

SECTION 7. Uniformity of Interpretation. 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.

SECTION 8. Short Title. This Act may be cited as the Uniform Enforcement of Foreign Judgments Act.

SECTION 9. Arkansas Code 16-66-601 through 16-66-019 is hereby repealed.

SECTION 10. It is hereby found and determined by the General Assembly that the version of the Uniform Enforcement of Foreign Judgments Act adopted as Act 34 of 1949 is inadequate and out of date and it should be replaced by the Revised Uniform Enforcement of Foreign Judgments Act recommended in 1964. Therefore, an emergency is hereby declared to exist and this act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.