

CHAPTER 28-20.1

ENFORCEMENT OF FOREIGN JUDGMENTS

28-20.1-01. Definition.

In 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.

28-20.1-02. 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 district court of any county of this state. The clerk shall treat the foreign judgment in the same manner as a judgment of the district 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 district court of any county of this state and may be enforced or satisfied in like manner.

28-20.1-03. Notice of filing.

1. At the time of filing of the foreign judgment, the judgment creditor or the judgment creditor's 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 otherwise complying with section 28-20-15.
2. Promptly upon the filing of a 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 must 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.
3. No execution or other process for enforcement of a foreign judgment filed hereunder may issue until ten days after the date the judgment is filed.

28-20.1-04. Stay.

1. If the judgment debtor shows the district 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.
2. If the judgment debtor shows the district court of any county any ground upon which enforcement of a judgment of any district 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.

28-20.1-05. Fees.

Any person filing a foreign judgment shall pay to the clerk of court a filing fee as prescribed in subdivision d of subsection 1 of section 27-05.2-03. Fees for docketing, transcription, or other enforcement proceedings must be as provided for judgments of the district court of any county of this state.

28-20.1-06. Optional procedure.

The right of a judgment creditor to bring an action to enforce the creditor's judgment instead of proceeding under this chapter remains unimpaired.

28-20.1-07. Uniformity of interpretation.

Repealed by S.L. 1983, ch. 82, § 154.

28-20.1-08. Short title.

This chapter may be cited as the Uniform Enforcement of Foreign Judgments Act.