

CHAPTER 80

Senate Bill 186

AN ACT

RELATING TO COURTS AND CIVIL PROCEEDINGS; ADOPTING THE REVISED UNIFORM ENFORCEMENT OF FOREIGN JUDGMENTS ACT, AND AMENDING TITLE 12, CHAPTER 9, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 11.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 12, chapter 9, Arizona Revised Statutes, is amended by adding article 11, sections 12-1701 to 12-1708, inclusive, to read:

New Art. ARTICLE 11. REVISED UNIFORM ENFORCEMENT OF FOREIGN JUDGMENTS ACT

New Sec. 12-1701. DEFINITION

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

“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.

New Sec. 12-1702. 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 SUPERIOR COURT OF THIS STATE. THE CLERK SHALL TREAT THE FOREIGN JUDGMENT IN THE SAME MANNER AS A JUDGMENT OF THE SUPERIOR COURT 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 SUPERIOR COURT OF THIS STATE AND MAY BE ENFORCED OR SATISFIED IN LIKE MANNER.

12-1703. 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 THE SUPERIOR 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 ATTORNEY, IF ANY, IN THIS STATE. IN ADDITION, THE JUDGMENT

CREDITOR SHALL MAIL A NOTICE OF THE FILING OF THE JUDGMENT TO THE JUDGMENT DEBTOR AND SHALL FILE PROOF OF MAILING WITH THE CLERK.

12-1704. STAY OF ENFORCEMENT OF JUDGMENT

A. IF THE JUDGMENT DEBTOR SHOWS THE SUPERIOR 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.

B. IF THE JUDGMENT DEBTOR SHOWS THE SUPERIOR COURT ANY GROUND UPON WHICH ENFORCEMENT OF A JUDGMENT OF ANY SUPERIOR 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 WHICH IS REQUIRED IN THIS STATE.

C. NO EXECUTION OR OTHER PROCESS FOR ENFORCEMENT OF A FOREIGN JUDGMENT FILED UNDER SECTION 12-1702 SHALL ISSUE UNTIL TWENTY DAYS AFTER THE DATE THE CLERK SHALL HAVE MAILED THE NOTICE OF FILING OF THE FOREIGN JUDGMENT.

12-1705. FILING FEES

ANY PERSON FILING A FOREIGN JUDGMENT SHALL PAY TO THE CLERK A FEE OF TWENTY-FIVE DOLLARS. FEES FOR DOCKETING, TRANSCRIPTION OR OTHER ENFORCEMENT PROCEEDINGS SHALL BE AS PROVIDED FOR JUDGMENTS OF THE SUPERIOR COURT.

12-1706. OTHER RIGHTS OF ENFORCEMENT

THE RIGHT OF A JUDGMENT CREDITOR TO BRING AN ACTION TO ENFORCE HIS JUDGMENT INSTEAD OF PROCEEDING UNDER THIS ARTICLE REMAINS UNIMPAIRED.

12-1707. UNIFORMITY OF INTERPRETATION

THIS ARTICLE SHALL BE SO INTERPRETED AND CONSTRUED AS TO EFFECTUATE ITS GENERAL PURPOSE TO MAKE UNIFORM THE LAW OF THOSE STATES WHICH ENACT IT.

12-1708. SHORT TITLE

THIS ARTICLE MAY BE CITED AS THE UNIFORM EN-
FORCEMENT OF FOREIGN JUDGMENTS ACT.

Approved by the Governor—April 16, 1971

Filed in the Office of the Secretary of State—April 19, 1971
