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CIVIL PROCEDURE

Uniform Enforcement of Foreign Judgments Law: Enacted

CODE SECTIONS:	O.C.G.A. §§ 9-12-130—9-12-138 (new)
BILL NUMBER:	SB 164
ACT NUMBER:	1326
SUMMARY:	The Act establishes procedures for the enforcement of foreign judgments.

History

In 1948, the National Conference of Commissioners on Uniform State Laws approved the original Uniform Enforcement of Foreign Judgments Act.¹ The uniform act represents an effort to relieve congested court dockets by reducing the number of cases arising under the constitutional requirement that full faith and credit be given to the judgments of courts of other states.² The 1948 uniform act established a summary judgment procedure for foreign judgments, thereby eliminating the necessity for full-scale trials.³ However, the uniform act proved to have minimal impact because the majority of the states adopted the Federal Rules of Civil Procedure providing for regular summary judgment practice.⁴

Consequently, the Act was revised in 1964 by the National Conference of Commissioners on Uniform State Laws and the American Bar Association.⁵ The framers of the revised uniform act adopted the practice used in district courts for the inter-district enforcement of judgments.⁶ This method, which has proven to be both efficient and economical,⁷ gives full effect to judgments of other district courts simply by the filing of a copy of such judgment in any other district.⁸ With the enactment of SB 164, Georgia joins more than two dozen other states in adopting the 1964 Re-

1. UNIF. ENFORCEMENT OF FOREIGN JUDGMENTS ACT, 13 U.L.A. 189 (1948) (amended 1964).

2. See UNIF. ENFORCEMENT OF FOREIGN JUDGMENTS ACT, 13 U.L.A. 173 (1964) (Commissioners' Prefatory Note); U.S. Const. art. IV, § 1.

3. UNIF. ENFORCEMENT OF FOREIGN JUDGMENTS ACT, 13 U.L.A. 189 (1948) (amended 1964).

4. UNIF. ENFORCEMENT OF FOREIGN JUDGMENTS ACT, 13 U.L.A. 173, 174 (1964) (Commissioners' Prefatory Note).

5. UNIF. ENFORCEMENT OF FOREIGN JUDGMENTS ACT, 13 U.L.A. 173 (1964).

6. *Id.* at 174 (Commissioners' Prefatory Note).

7. *Id.*

8. 28 U.S.C. § 1963 (1982).

vised Uniform Enforcement of Foreign Judgments Act.⁹

SB 164

SB 164 amends the Civil Practice Act by adding a new Article 6 to Chapter 12 of Title 19 entitled "Uniform Enforcement of Foreign Judgments Law." The Act, codified as O.C.G.A. §§ 9-12-130—9-12-138, describes the procedures to be followed if foreign judgments are to be enforced. O.C.G.A. § 9-12-132 provides that "[a] copy of any foreign judgment authenticated in accordance with an act of Congress or statutes of this state may be filed in the office of the clerk of any court of competent jurisdiction of this state."¹⁰ Such judgment is to be treated "in the same manner as a judgment of the court in which the foreign judgment is filed."¹¹

O.C.G.A. § 9-12-133 provides that upon filing of a foreign judgment, the judgment creditor or his attorney must file an affidavit giving the judgment debtor's and creditor's names and last known addresses. Notice of the filing of a foreign judgment must be promptly mailed by the clerk to the judgment debtor. Under O.C.G.A. § 9-12-134, the court must stay enforcement of a foreign judgment if the debtor shows that an appeal is pending or planned or that he has been granted a stay. The debtor must also prove that he has "furnished the security for satisfaction of execution of the judgment required by the state in which it was rendered."¹²

O.C.G.A. § 9-12-135 establishes a \$10.00 fee for filing a foreign judgment, and O.C.G.A. § 9-12-136 provides that the judgment creditor may still elect to bring an action to enforce a judgment rather than proceed under the new law.

The House Judiciary Committee offered a committee substitute to the original SB 164 which was incorporated into the final version of the bill.¹³ The committee substitute added O.C.G.A. § 9-12-138, which provides that Article 6 shall apply only to foreign judgments of those states which have adopted the "'Uniform Enforcement of Foreign Judgments Act' in substantially the same form."¹⁴

9. See UNIF. ENFORCEMENT OF FOREIGN JUDGMENTS ACT, 13 U.L.A. 2 (Supp. 1986).

10. O.C.G.A. § 9-12-132 (Supp. 1986).

11. *Id.*

12. O.C.G.A. § 9-12-134(a) (Supp. 1986).

13. SB 164 (HCS), 1986 Ga. Gen. Assem. § 1.

14. *Id.*