

ENROLLMENT OF FOREIGN JUDGMENT

Montana Enforcement of Foreign Judgment Act

Title 25, Ch. 9, Sections 25-9-501 – 25-9-508, inclusive

Control Number MT-EFJ-01

ENROLLMENT OF A FOREIGN JUDGMENT

A foreign judgment is a judgment entered by a court other than the court of the state where the judgment is sought to be enrolled. Enrolling a judgment allows the judgment creditor or person holding the judgment to enforce it in the state of enrollment and the enrollment creates a judgment lien against the property of the Judgment Debtor.

Requirements:

1. The Judgment must be a final judgment.
2. The Judgment must be "certified pursuant to acts of congress" or "triple-sealed". This means that a judge of a court of record must authenticate the order or abstract, the clerk of court must authenticate the judge's authentication as genuinely that of a judge of a court of record, and a judge must authenticate the clerk as clerk.
3. Execute an Affidavit in Support of Request to Enroll Foreign Judgment [Form One], a Request for Enrollment with Judgment attached as Exhibit A [Form Two] and Notice of Enrollment [Form Three].
4. Using the enclosed Cover Letter, send Affidavit in Support of Request to Enroll Foreign Judgment [Form One], a Request for Enrollment with Judgment attached as Exhibit A [Form Two] and Notice of Enrollment [Form Three] to the clerk of the court where the judgment is sought to be enrolled.
5. Mail a copy of the Notice of Enrollment to the judgment debtor.
6. Wait the required time of 30 days after mailing by the Clerk of the Court of the Notice of Enrollment and then you may execute on property of the judgement debtor that is not exempt from execution.

The judgment becomes a final judgment of that court when recorded in the Office of the Clerk, and can be readily transferred from one county to another as the final judgment of the enrolling court.

See 28 U.S.C. §1738 for statutory requirements for orders which must be extended full faith and credit. States may give full faith and credit without the documentary requirements but they must give full faith and credit if the requirements are met.

Enrollment of a foreign judgment in the State of Montana is controlled by the Uniform Enforcement of Foreign Judgments Act, Montana Code, Title 25, Chapter 9, Sections 25-9-501 through 25-9-508, inclusive.

COVER LETTER

Date

Return Name and Address

(Name and address of Clerk of Court)

Re: [style of case]

Dear Sir or Madam:

Enclosed for filing is a Notice of Enrollment of Foreign Judgment and Request For Enrollment of Foreign Judgment pursuant to the Uniform Enforcement of Foreign Judgment's Act. A filing fee of \$_____ is also enclosed. Please return a filed copy to me.

Please advise if you need anything further at this time.

With kindest regards, I am

Sincerely yours,

Print or Type Name

Enclosures

**FORM ONE AFFIDAVIT IN SUPPORT OF REQUEST FOR ENROLLMENT OF
FOREIGN JUDGMENT**

MONTANA _____ JUDICIAL DISTRICT COURT, _____ COUNTY

) Dept. No. _____

) Cause No. _____

)

PLAINTIFF

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V.

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DEFENDANT

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**AFFIDAVIT IN SUPPORT OF REQUEST
FOR ENROLLMENT OF FOREIGN JUDGMENT**

STATE OF _____

COUNTY OF _____

PERSONALLY CAME AND APPEARED BEFORE ME the undersigned authority, the within named _____, Affiant, who states upon his oath that he/she is _____ [PLAINTIFF OR ATTORNEY FOR PLAINTIFF], and further states in accordance with the Montana Enforcement of Foreign Judgments Act that the Social Security Number of the Judgment Debtor is _____ [if known] and the last known address of the Judgment Debtor _____ is:

City, State and Zip Code

The complete name and last known address of the Judgment Creditor (Plaintiff) is:

City, State and Zip Code

Affiant further states that the Judgment is final, and remains unsatisfied, in [whole or part], that the balance of the Judgment which remains unpaid is \$ _____ and that there is no contest of the judgment pending.

Plaintiff or Attorney for Plaintiff

STATE OF _____

COUNTY OF _____

The instrument was acknowledged before me on _____ (date), by
_____ (name(s)).

Notary Public

Print Name

My Commission Expires:

FORM TWO REQUEST FOR ENROLLMENT OF FOREIGN JUDGMENT

MONTANA _____ JUDICIAL DISTRICT COURT, _____ COUNTY

) Dept. No. _____

) Cause No. _____

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PLAINTIFF

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DEFENDANT

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REQUEST FOR ENROLLMENT OF FOREIGN JUDGMENT

Pursuant to the Montana Enforcement of Foreign Judgment's Act you are hereby requested to enroll an Agreed Judgment entered on the _____ day of _____, _____ by the _____ Court of _____ County, State of _____, Cause No. _____ in favor of _____ against _____ in the amount of \$_____, plus attorneys fees of \$_____. The judgment has been authenticated according to acts of Congress and in accordance with the Act as indicated by the attached Exhibit "A".

DATED this the _____ day of _____, 20_____.

[Name of Plaintiff or Attorney for Plaintiff]

CERTIFICATE OF SERVICE

This is to certify that I, _____ [Name of Plaintiff or attorney for Plaintiff], have forwarded this date a true and correct copy of the above and foregoing document, by U.S. Mail, postage fully prepaid, to:

Mail, postage fully prepaid, to:

Name of Judgment Debtor/Defendant _____
Address _____
City, State, Zip _____

Name of Clerk _____
Address _____
City, State, Zip _____

This the _____ day of _____, 20_____.

[Name of Plaintiff or Attorney for Plaintiff]

FORM THREE NOTICE OF ENROLLMENT OF FOREIGN JUDGMENT

MONTANA _____ JUDICIAL DISTRICT COURT, _____ COUNTY

) Dept. No. _____

) Cause No. _____

)

PLAINTIFF

)

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V.

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DEFENDANT

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NOTICE OF ENROLLMENT OF FOREIGN JUDGMENT

Pursuant to the provisions of the Montana Enforcement of Foreign Judgment's Act, notice is hereby given that a Judgment entered on the _____ day of _____, 20 _____ by the _____ Court of _____ County, _____, Case No. _____ in favor of _____ and against _____ in the amount of \$_____, plus attorneys fees in the amount of \$_____ which was enrolled in the _____ Court of _____ County, _____ on the _____ day of _____, 20_____.

If this Judgment is not paid, execution of same may be commenced within 30 days of the date of filing.

DATED this the _____ day of _____, 20_____.

Plaintiff or Attorney for Plaintiff

CERTIFICATE OF SERVICE

This is to certify that I, _____ [Name of Plaintiff
or attorney for Plaintiff], have forwarded this date a true and correct copy of the above
and foregoing document, by U.S. Mail, postage fully prepaid, to:

Name of Judgment Debtor/Defendant _____
Address _____
City, State, Zip _____

Name of Clerk _____
Address _____
City, State, Zip _____

This the _____ day of _____, 20_____.

[Name of Plaintiff or Attorney for Plaintiff]

NOTE RE FORM FIELDS

The forms in this packet contain “form fields” created using Microsoft Word. “Form fields” facilitate completion of the forms using your computer. They do not limit your ability to print the form “in blank” and complete with a typewriter or by hand.

It is also helpful to be able to see the location of the form fields. Go to the View menu, click on Toolbars, and then select Forms. This will open the forms toolbar. Look for the button on the forms toolbar that resembles a “shaded letter ‘a’”. Click in this button and the form fields will be visible.

In order to use the form fields properly, it is necessary to “lock or protect” the document. If you wish to make any changes in the body of the form, it is necessary for you “unlock” or “unprotect” the form.

This is done by clicking on “Tools” in the Menu bar and then selecting “unprotect document”. You may then be prompted to enter a password. If so, the password is “uslf”. That is uslf **in lower case letters without the quotation marks**.

It is very important to understand that, once the document is unprotected, any data entered in the form fields will be lost when the document is again protected. If changes are necessary, unlock the document, using the password “uslf” if necessary, and make any changes that you feel are required. Then protect the document once again.

After any required changes and re-protecting the document, click on the first form field and enter the required information. You will be able to navigate through the document from form field to form field using your tab key. Tab to a form field and insert your data. Inserting data will result in the default line disappearing. You will have sufficient space to enter any required information.