

IC 34-54-11

Chapter 11. Enforcement of Foreign Judgments

IC 34-54-11-1

Filing of foreign judgment

Sec. 1. (a) A copy of any foreign judgment authenticated in accordance with 28 U.S.C. 1963 or the statutes of this state may be filed in the office of the clerk of any court of record in a county in Indiana.

(b) The clerk of the court in which the copy is filed shall treat the foreign judgment in the same manner as a judgment of an Indiana court.

(c) A foreign judgment filed under subsection (a) has the same effect and is subject to the same procedures, defenses, and proceedings for reopening, vacating, or staying as a judgment entered by an Indiana court.

As added by P.L.40-2003, SEC.2. Amended by P.L.63-2010, SEC.2.

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Requirements

Sec. 2. (a) At the time of the filing of a foreign judgment, the judgment creditor filing a foreign judgment under this chapter must file an affidavit with the clerk of the court in which the foreign judgment is filed at the time the foreign judgment is filed. The affidavit must set forth:

(1) the name and last known address of the judgment debtor;
and

(2) the name and last known address of the judgment creditor.

(b) Promptly after the filing of the foreign judgment and affidavit, the clerk must send notice of the filing of the foreign judgment to the judgment debtor at the address given and shall make an entry of the mailing in the docket.

(c) The notice described in subsection (b) must contain:

(1) the name and address of the judgment creditor; and

(2) the name and address of the judgment creditor's attorney, if any.

(d) The judgment creditor shall:

(1) mail a notice of the filing of the judgment to the judgment debtor; and

(2) file proof of mailing with the clerk.

(e) Lack of mailing notice by the clerk does not affect the enforcement of proceedings if proof of mailing by the judgment creditor has been filed.

(f) Execution or other process for the enforcement of a foreign judgment may not be issued earlier than twenty-one (21) days after the entry of the judgment in the judgment's original jurisdiction.

As added by P.L.40-2003, SEC.2. Amended by P.L.238-2005, SEC.62; P.L.63-2010, SEC.3.

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Filing fee

Sec. 3. (a) The filing fee for a foreign judgment is the same as the fee for filing a cause of action with the clerk of the court in which the foreign judgment is filed.

(b) All filing fees are due and payable at the time of filing.

As added by P.L.40-2003, SEC.2.

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Staying enforcement of a foreign judgment

Sec. 4. (a) If the judgment debtor shows the court with whose clerk the foreign judgment is filed:

(1) that:

(A) an appeal from the foreign judgment is pending;

(B) an appeal from the foreign judgment will be taken; or

(C) a stay of execution of the foreign judgment has been granted; and

(2) that the judgment debtor has furnished the security, if any, for the judgment required under the jurisdiction in which the foreign judgment was rendered;

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.

(b) If:

(1) the judgment debtor shows the court grounds upon which enforcement of a judgment of a court of Indiana would be stayed; and

(2) the judgment debtor gives the court security for the judgment debt;

the court shall stay enforcement of the foreign judgment for the same period as would be appropriate to stay enforcement for a similar judgment by an Indiana court.

As added by P.L.40-2003, SEC.2.

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Alternative action to enforce a foreign judgment not impaired

Sec. 5. This chapter does not impair a judgment creditor's right to bring an action to enforce a foreign judgment by other means.

As added by P.L.40-2003, SEC.2.

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Purpose

Sec. 6. This chapter shall be interpreted and construed to effectuate its general purpose to make uniform the law of those states that enact the uniform enforcement of foreign judgments act.

As added by P.L.63-2010, SEC.4.

IC 34-54-11-7

Citation

Sec. 7. This chapter may be cited as the "Uniform Enforcement of Foreign Judgments Act".
As added by P.L.63-2010, SEC.5.