

HISTORICAL AND REVISION NOTES

This section follows the recommendation of the Supreme Court's Advisory Committee on Federal Rules of Civil Procedure (1937) which included the following rule:

"Rule 77. REGISTRATION OF JUDGMENTS IN OTHER DISTRICT COURTS. A judgment entered in any district court and which has become final through expiration of the time for appeal or by mandate on appeal may be registered in any other district court by filing therein an authenticated copy of the judgment. When so registered the judgment shall have the same effect and like proceedings for its enforcement may be taken thereon in the court in which it is registered as if the judgment had been originally entered by that court. If in the court in which the judgment was originally entered, the judgment has been satisfied in whole or in part or if an order has been made modifying or vacating it or affecting or suspending its operation, the party procuring the registration shall and any other party may file authenticated copies of the satisfaction or order with the court in which the judgment is registered. This rule shall not be construed to limit the effect of the Act of February 20, 1905, c. 592, §20 (33 Stat. 729), as amended, U.S.C., title 15, §100; or the Act of March 4, 1909, c. 320, §§36 and 37 (35 Stat. 1084), U.S.C., title 17, §§36 and 37; or §56 of the Judicial Code, U.S.C., title 28, §117; or to authorize the registration elsewhere of an order or a judgment rendered in a divorce action in the District of Columbia."

Section 2508 of this title provides for the registration of judgments of the Court of Claims in favor of the United States in any district. See, also, section 2413 of this title.

The phrase "for the recovery of money or property" was not in the committee's draft of Rule 77 of Federal Rules of Civil Procedure but was inserted in the revised section to exclude judgments in divorce actions, and any other actions, the registration of which would serve no useful purpose.

AMENDMENTS

1996—Pub. L. 104-317 in section catchline substituted "for enforcement in other districts" for "of the district courts and the Court of International Trade", in first undesignated par. substituted "court of appeals, district court, bankruptcy court," for "district court" and "copy of the judgment" for "copy of such judgment", and added undesignated par. at end.

1990—Pub. L. 101-647 inserted after first sentence "Such a judgment entered in favor of the United States may be so registered any time after judgment is entered."

1988—Pub. L. 100-702 substituted "Registration of judgments of the district courts and the Court of International Trade" for "Registration in other districts" in section catchline and amended first sentence generally. Prior to amendment, first sentence read as follows: "A judgment in an action for the recovery of money or property now or hereafter entered in any district court which has become final by appeal or expiration of time for appeal may be registered in any other district by filing therein a certified copy of such judgment."

1958—Pub. L. 85-508 struck out provisions which extended provisions of section to District Court for Territory of Alaska. See section 81A of this title which establishes a United States District Court for the State of Alaska.

1954—Act Aug. 23, 1954, extended provisions of section to District Court for Territory of Alaska.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-647 effective 180 days after Nov. 29, 1990, see section 3631 of Pub. L. 101-647, set out as an Effective Date note under section 3001 of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Section 1002(c) of title X of Pub. L. 100-702 provided that: "The amendments made by this section [amend-

ing this section and repealing section 1963A of this title] take effect 90 days after the date of enactment of this title [Nov. 19, 1988]."

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85-508 effective Jan. 3, 1959, on admission of Alaska into the Union pursuant to Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85-508, see notes set out under section 81A of this title and preceding section 21 of Title 48, Territories and Insular Possessions.

[§ 1963A. Repealed. Pub. L. 100-702, title X, § 1002(b)(2), Nov. 19, 1988, 102 Stat. 4664]

Section, added Pub. L. 96-417, title V, §511(a), Oct. 10, 1980, 94 Stat. 1743, provided for registration of judgments of the Court of International Trade. See section 1963 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective 90 days after Nov. 19, 1988, see section 1002(c) of Pub. L. 100-702, set out as an Effective Date of 1988 Amendment note under section 1963 of this title.

§ 1964. Constructive notice of pending actions

Where the law of a State requires a notice of an action concerning real property pending in a court of the State to be registered, recorded, docketed, or indexed in a particular manner, or in a certain office or county or parish in order to give constructive notice of the action as it relates to the real property, and such law authorizes a notice of an action concerning real property pending in a United States district court to be registered, recorded, docketed, or indexed in the same manner, or in the same place, those requirements of the State law must be complied with in order to give constructive notice of such an action pending in a United States district court as it relates to real property in such State.

(Added Pub. L. 85-689, §1(a), Aug. 20, 1958, 72 Stat. 683.)

EFFECTIVE DATE

Section 2 of Pub. L. 85-689 provided that: "The amendments made by this Act [enacting this section] shall only be effective with respect to actions commenced in United States district courts more than one hundred and eighty days after the date of enactment of this Act [Aug. 20, 1958]."

CHAPTER 127—EXECUTIONS AND JUDICIAL SALES

Sec.	
2001.	Sale of realty generally.
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§ 2001. Sale of realty generally

(a) Any realty or interest therein sold under any order or decree of any court of the United States shall be sold as a whole or in separate parcels at public sale at the courthouse of the county, parish, or city in which the greater part of the property is located, or upon the premises or some parcel thereof located therein, as the