

CHAPTER 257.

AN ACT to create section 270.96 of the statutes and to adopt the uniform enforcement of foreign judgments act.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

270.96 of the statutes is created to read:

270.96 UNIFORM ENFORCEMENT OF FOREIGN JUDGMENTS ACT. (1) DEFINITIONS. As used in this section:

(a) "Foreign judgment" means any judgment, decree or order of a court of the United States or of any state or territory which is entitled to full faith and credit in this state.

(b) "Register" means to file and docket a foreign judgment in a court of this state.

(c) "Levy" means to take control of or create a lien upon property under any judicial writ or process whereby satisfaction of a judgment may be enforced against such property.

(d) "Judgment debtor" means the party against whom a foreign judgment has been rendered.

(2) REGISTRATION OF JUDGMENT. On application made within the time allowed for bringing an action on a foreign judgment in this state, any person entitled to bring such action may have a foreign judgment registered in any court of this state having jurisdiction of such an action.

(3) APPLICATION FOR REGISTRATION. A verified complaint for registration shall set forth a copy of the judgment to be registered, the date of its entry and the record of any subsequent entries affecting it all authenticated in the manner authorized by the laws of the United States or of this state, and a prayer that the judgment be registered. The clerk of the registering court shall notify the clerk of the court which rendered the original judgment that application for registration has been made, and shall request him to file this information with the judgment.

(4) PERSONAL JURISDICTION. At any time after registration the plaintiff shall be entitled to have summons issued and served upon the judgment debtor as in an action brought upon the foreign judgment, in any manner authorized by the law of this state for obtaining jurisdiction of the person.

(5) NOTICE IN ABSENCE OF PERSONAL JURISDICTION. If jurisdiction of the person of the judgment debtor cannot be obtained, a notice clearly designating the foreign judgment and reciting the fact of registration, the court in which it is registered, and the time allowed for pleading, shall be sent by the clerk of the registering court by registered mail to the last known address of the judgment debtor. Proof of such mailing shall be made by certificate of the clerk.

(6) LEVY. At any time after registration and regardless of whether jurisdiction of the person of the judgment debtor has been secured or final judgment has been obtained, a levy may be made under the registered judgment upon any property of the judgment debtor which is subject to execution or other judicial process for satisfaction of judgments.

(7) NEW PERSONAL JUDGMENT. If the judgment debtor fails to plead within 30 days after jurisdiction over his person has been obtained, or if the court after hearing has refused to set the registration aside, the registered judgment shall become a final personal judgment of the court in which it is registered.

(8) DEFENSES. Any defense, set-off, counter-claim or cross-complaint which under the law of this state may be asserted by the defendant in an action on the foreign judgment may be presented by appropriate pleadings and the issues raised thereby shall be tried and determined as in other civil actions. Such pleadings must be filed within 30 days after personal jurisdiction is acquired over him or within 30 days after the mailing of the notice prescribed in subsection (5).

(9) PENDENCY OF APPEAL. If the judgment debtor shows that an appeal from the original judgment is pending or that he is entitled and intends to appeal therefrom, the court shall, on such terms as it thinks just, postpone the trial for such time as appears sufficient for the appeal to be concluded, and may set aside the levy upon proof that the defendant has furnished adequate security for satisfaction of the judgment.

(10) EFFECT OF SETTING ASIDE REGISTRATION. An order setting aside a registration constitutes a final judgment in favor of the judgment debtor.

(11) APPEAL. An appeal may be taken by either party from any judgment sustaining or setting aside a registration on the same terms as an appeal from a judgment of the same court.

(12) NEW JUDGMENT QUASI IN REM. If personal jurisdiction of the judgment debtor is not secured within 30 days after the levy and he has not, within 30 days after the mailing of the notice prescribed by subsection (5), acted to set aside the registration or to assert a set-off, counter-claim or cross-complaint the registered judgment shall be a final judgment quasi in rem of the court in which it is registered, binding upon the judgment debtor's interest in property levied upon, and the court shall enter an order to that effect.

(13) SALE UNDER LEVY. Sale under levy may be held at any time after final judgment, either personal or quasi in rem, but not earlier except as otherwise provided by law for sale under levy on perishable goods. Sale and distribution of the proceeds shall be made in accordance with the law of this state.

(14) INTEREST AND COSTS. When a registered foreign judgment becomes a final judgment of this state, the court shall include as part of the judgment interest payable on the foreign judgment under the law of the state in which it was rendered, and the cost of obtaining the authenticated copy of the original judgment. The court shall include as part of its judgment court costs incidental to the proceeding in accordance with the law of this state.

(15) SATISFACTION OF JUDGMENT. Satisfaction, either partial or complete, of the original judgment or of a judgment entered thereupon in any other state shall operate to the same extent as satisfaction of the judgment in this state, except as to costs authorized by subsection (14).

(16) OPTIONAL PROCEDURE. The right of a judgment creditor to bring an action to enforce his judgment instead of proceeding under this act remains unimpaired.

(17) UNIFORMITY OF INTERPRETATION. This section shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

(18) SHORT TITLE. This section may be cited as the uniform enforcement of foreign judgments act.

Approved June 15, 1949.
