

NOTICE TO ATTORNEYS ATTEMPTING TO DOMESTICATE A FOREIGN JUDGMENT IN GEORGETOWN AND HORRY COUNTIES

S.C. Code Ann. §15-35-900 et. seq. sets forth the procedures for the domestication of a foreign judgment. Counsel should closely review the statute to determine the specific requirements to domesticate a foreign judgment. Improperly drawn documents or those not in compliance with the statute will be returned to the sender. The Court publishes this document because of the substantial number of incorrect filings received by the Clerk.

Section 19-35-920 (B) states that upon the appropriate filing of the foreign judgment and affidavit, the foreign judgment is to be “docketed and indexed in the same manner as a judgment of this state...” **This Court has determined that the language of §15-35-920(B) does not relieve the Plaintiff of the further burden of meeting certain due process requirements as stated below.** Until these requirements are met, the foreign judgment is indexed and docketed by the Clerk as a common pleas filing with notation that a judgment is pending, but it is not **enrolled** as a judgment.

Section 19-35-930 sets forth the requirements of the notice that must be served upon the judgment debtor. Due process further requires that included with the affidavit of proof of service of the statutory notice is **an affirmative statement, not made upon information and belief, that the Defendant is not entitled to the protections of the Soldier and Sailors Relief Act,** [See Service Members’ Civil Relief Act, 50 USC App. 501 et seq. and *Clark v. Mechanics’ American National Bank*, 282 F. 589 (C.A. 8 1922) holding that the Act applies to state as well as federal courts] and **that 30 days have elapsed since service with no response**, so that the Court will then be affirmatively aware that the Defendant raises no defense to the foreign judgment. The statement that 30 days have elapsed with no response is required because many unrepresented judgment debtors respond directly to counsel or the creditor, and not to the Clerk of Court.

Upon receipt of this information, the Clerk will then enroll the judgment without further action being necessary.