

N.D.A.G. Letter to Carlen (May 2, 1986)

May 2, 1986

Ms. Patricia J. Carlen
Clerk of District Court
P. O. Box 176
Forman, North Dakota 58032

Dear Ms. Carlen:

Thank you for bringing to my attention the fact that N.D.C.C. §28-20-10, requiring a district court clerk to keep a "judgment book," was repealed by the 1985 Legislative Assembly.

In Attorney General's Opinion 85-36, dated October 4, 1985, and in my letter to you of April 11, 1986, I referred to a clerk's responsibility to file or enter foreclosure judgments in the judgment book, but not docket them as money judgments. N.D.C.C. §28-20-11, which distinguishes between judgments merely filed (previously in the judgment book) and those required to be docketed under N.D.C.C. §28-20-13, continues to use the term "judgment book." Through an oversight, I also used the term "judgment book" in distinguishing how foreclosure judgments should be filed when received by a clerk of district court.

Despite my inappropriate use of the term "judgment book," the distinction remains valid. All judgments which conform to other requirements for filing should be filed. In addition to being filed, judgments which direct the payment of money should be entered on the judgment docket. Similarly, the foreign judgment about which you inquired in your letter to me dated February 6, 1986, should be filed, but not docketed, as a money judgment.

I apologize for any inconvenience or confusion this might have caused.

Sincerely,

Nicholas J. Spaeth

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