

CERTIFICATION OF JUDGMENT FOR REGISTRATION IN ANOTHER DISTRICT

Purpose of the Form

This form was developed for use in registering judgments of bankruptcy courts in other districts pursuant to 28 U.S.C. § 1963. Although the statute does not require the use of the form, it was designed so that, when completed, it will notify the clerk's office in the registering court of the status of proceedings in the originating district. Because the form is appropriate only to notify the clerk of the registering court that a judgment is no longer subject to appeal in the original court, it is not necessary to prepare the form when the originating court has entered an order allowing the registration, 28 U.S.C. § 1963. It also is unnecessary to prepare the form when the judgment to be registered is in favor of the United States. *Id.*

Form 265 is similar to Form AO-451, which was developed for use in registering judgments from district courts in other courts.

Registration and enforcement of the judgments of bankruptcy courts in other districts is discussed in the Instructions for Form 264, Writ of Execution to the United States Marshal, which state that Form 265 may be used to register a judgment of the bankruptcy court in a state or local court.

Applicable Law and Rules

1. 28 U.S.C. § 1963 provides:

A judgment in an action for the recovery of money or property entered in any court of appeals, district court, bankruptcy court, or in the Court of International Trade may be registered by filing a certified copy of the judgment in any other district . . . when the judgment has become final by appeal or expiration of the time for appeal or when ordered by the court that entered the judgment for good cause shown. Such a judgment entered in favor of the United States may be so registered any time after judgment is entered. A judgment so registered shall have the same effect as a judgment of the district court of the district where registered and may be enforced in like manner.

A certified copy of the satisfaction of any judgment in whole or in part may be registered in like manner in any district in which the judgment is a lien.

The procedure prescribed under this section is in addition to other procedures provided by law for the enforcement of judgments.

2. The fee for registering a judgment from another district in the bankruptcy court is \$39.¹ The fee for registering a "foreign" judgment in the district court also is \$39.²

General Information for the Clerk

Form 265 was developed to provide the clerk of court with the information that is required to register a judgment of a bankruptcy court in another district pursuant to 28 U.S.C. § 1963. The clerk of the court which originally entered the order completes the form with information on the status of the proceeding. The form also may be used to register the judgment in a state or local court.

It is not necessary to prepare the form when the originating court has entered an order allowing the judgment to be registered pending appeal for good cause shown. 28 U.S.C. § 1963. A certified copy of the order allowing the registration is sufficient. Nor is it necessary to prepare the form when the judgment to be registered is in favor of the United States. *Id.* The clerk of the originating court need only provide a certified copy of the judgment marked with the "Entry on Docket" date.

¹ This fee is current as of February 1, 2008. Bankruptcy Court Miscellaneous Fee Schedule, ¶ 7. You should check the court's website, the Judiciary website at www.uscourts.gov, or the Miscellaneous Fee Schedule, which is published as an appendix after section 1930 of the Judicial Code (28 U.S.C. § 1930), for the current fee.

² This fee is current as of February 1, 2008. District Court Miscellaneous Fee Schedule, ¶ 1. You should check the district court's website, the Judiciary website at www.uscourts.gov, or the District Court Miscellaneous Fee Schedule, which is published as an appendix after section 1914 of the Judicial Code (28 U.S.C. § 1914), for the current fee.