



1 B. On motion of a party made not later than thirty (30) days  
2 after a judgment, decree, or appealable order prepared in  
3 conformance with Section 696.3 of this title has been filed with the  
4 court clerk, the court may correct, open, modify, or vacate the  
5 judgment, decree, or appealable order. If the moving party did not  
6 prepare the judgment, decree, or appealable order, and Section 696.2  
7 of this title required a copy of the judgment, decree, or appealable  
8 order to be mailed to the moving party, and the court records do not  
9 reflect the mailing of a copy of the judgment, decree, or appealable  
10 order to the moving party within three (3) days, exclusive of  
11 weekends and holidays, after the filing of the judgment, decree, or  
12 appealable order, the motion to correct, open, modify, or vacate the  
13 judgment, decree, or appealable order may be filed no later than  
14 thirty (30) days after the earliest date on which the court records  
15 show that a copy of the judgment, decree, or appealable order was  
16 mailed to the moving party. The moving party shall give notice to  
17 all affected parties. A motion to correct, open, modify, or vacate  
18 a judgment or decree filed after the announcement of the decision on  
19 all issues in the case but before the filing of the judgment or  
20 decree shall be deemed filed immediately after the filing of the  
21 judgment or decree.

22 C. ~~After~~ If more than thirty (30) days ~~after~~ have passed since  
23 the filing of a judgment, decree, or appealable order ~~has been~~  
24 ~~filed~~, proceedings to vacate or modify the judgment, decree, or

1 appealable order shall be by petition in conformance with Section  
2 1033 of this title unless approved by all parties who have entered  
3 an appearance in the lawsuit.

4 D. The party that prevails in an action to vacate any judgment,  
5 decree or appealable order shall only be considered the prevailing  
6 party for the purpose of the award of costs, to include a reasonable  
7 attorney fee, if such party prevails on the merits in the underlying  
8 action.

9 SECTION 2. This act shall become effective November 1, 2013.

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11 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 03/27/2013 - DO  
12 PASS.

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