

[CAPTION]

ENTRY OF JUDGMENT

On this ____ day of _____, 2____, judgment is entered as follows:

(Include here the judgment entered)

Judge

Authority

K.S.A. 60-258.

Notes on Use

K.S.A. 60-258 provides that “(n)o judgment is effective unless and until a journal entry or judgment form is signed by the judge and filed with the clerk.” Where a judgment form is used it should be in the above form. The statute further provides that “(w)hen judgment is entered by judgment form the clerk must serve a copy of the judgment form on all attorneys of record within three days, excluding Saturdays, Sundays and legal holidays.”

“When an action presents more than one claim for relief, whether as a claim, counterclaim, cross-claim or third-party claim, or when multiple parties are involved, the court may direct entry of a final judgment as to one or more, but fewer than all, claims or parties only if the court expressly determines that there is no just reason for delay.” K.S.A. 60-254(b)

Supreme Court Rule 134 requires that “(w)henever a judge shall make a ruling on a motion or application of any kind and there are parties affected who have appeared in the action but who are not then present, either in person or by their attorneys, the judge shall cause written notice of such ruling to be mailed to the parties or attorneys forthwith.”

Pursuant to Supreme Court Rule 170 “(a) In all cases where the judge directs that the judgment be settled by journal entry pursuant to K.S.A. 60-258, it shall be prepared in accordance with the directions of the judge. Counsel preparing the journal entry shall, within fourteen (14) days, unless another time is specifically directed by the judge, serve copies thereof on all other counsel involved. At the time of service, counsel preparing the journal entry shall file with the court a notice stating the date the proposed journal entry was served, attaching a copy of the proposed journal entry. Counsel upon whom a proposed journal entry is served who shall, within fourteen (14) days after service is made, serve on the counsel preparing said journal entry any objections in writing. At the expiration of the time for serving objections, counsel preparing said journal entry shall submit the original, together with any objections received, to the judge for approval. If counsel cannot agree as to the form of the journal

entry, the judge shall settle the journal entry after such hearing, if any, as the Court deems appropriate and necessary. (b) If a party is not represented by counsel, service on the party will comply with this rule. (c) Orders or other documents containing rulings of the judge other than judgments shall be prepared in accordance with the directions of the judge. (d) Every order, journal entry or judgment that changes the ownership or title to real estate shall contain on the margin of the first page the notation "TITLE TO REAL ESTATE INVOLVED."

Comment

Where the court fails to give notice of a judgment entered under K.S.A. 60-258 Kansas case law concerning the validity of the judgment is well established. In *Daniels v. Chaffee*, 230 Kan. 32,630 P.2d 1090 (1981), the trial court did not give notice until six months after the entry of judgment. The Court stated “we hold that, where a trial court enters judgment without giving notice to the parties or counsel as required by K.S.A. 60-258 and Rule No. 134, a valid judgment is entered which is subject, however, to being set aside when attacked by post-judgment motions and proceedings. The time for filing post-judgment motions or taking an appeal from a final judgment entered without notice commences to run when there has been a compliance with K.S.A. 60-258 and Rule No. 134.”

The reason to require notice of judgment to the party is to insure that the party having the right to appeal has actual knowledge that an adverse judgment has been rendered. *Atkinson v. U.S.D. No. 383*, 235 Kan. 793, 797, 684 P.2d 424 (1984). See also *McDonald v. Hannigan*, 262 Kan. 156, 936 P.2d 262 (1997).