

UNIFORM REGISTRATION OF CANADIAN MONEY JUDGMENTS ACT*

Drafted by the

NATIONAL CONFERENCE OF COMMISSIONERS
ON UNIFORM STATE LAWS

and by it

APPROVED AND RECOMMENDED FOR ENACTMENT
IN ALL THE STATES

at its

ANNUAL CONFERENCE
MEETING IN ITS ONE-HUNDRED-AND-TWENTY-EIGHTH YEAR
ANCHORAGE, ALASKA
JULY 12 - JULY 18, 2019

WITHOUT PREFATORY NOTE OR COMMENTS

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NATIONAL CONFERENCE OF COMMISSIONERS
ON UNIFORM STATE LAWS

July 17, 2019

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**UNIFORM REGISTRATION OF CANADIAN MONEY
JUDGMENTS ACT**

SECTION 1. SHORT TITLE. This [act] may be cited as the Uniform Registration of Canadian Money Judgments Act.

SECTION 2. DEFINITIONS. In this [act]:

(1) “Canada” means the sovereign nation of Canada and its provinces and territories. “Canadian” has a corresponding meaning.

(2) “Canadian judgment” means a judgment of a court of Canada, other than a judgment that recognizes the judgment of another foreign country.

SECTION 3. APPLICABILITY.

(a) This [act] applies to a Canadian judgment to the extent the judgment is within the scope of [cite to Section 3 of the Uniform Foreign-Country Money Judgments Recognition Act], if recognition of the judgment is sought to enforce the judgment.

(b) A Canadian judgment that grants both recovery of a sum of money and other relief may be registered under this [act], but only to the extent of the grant of a sum of money.

(c) A Canadian judgment regarding subject matter both within and not within the scope of this [act] may be registered under this [act], but only to the extent the judgment relates to subject matter within the scope of this [act].

SECTION 4. REGISTRATION OF CANADIAN JUDGMENT.

(a) A person seeking recognition of a Canadian judgment to enforce the judgment may register the judgment in the office of the [clerk] of a court in which an action for recognition of the judgment could be filed under [cite to Section 6 of the Uniform Foreign-Country Money Judgments Recognition Act].

(b) A registration under subsection (a) must be executed by the person registering the

judgment or the person's attorney and include:

(1) a copy of the Canadian judgment authenticated as accurate by the court that entered the judgment;

(2) the name and address of the person registering the judgment;

(3) if the person registering the judgment is not the person in whose favor the judgment was rendered, a statement describing the interest in the judgment of the person registering the judgment that entitles the person to seek its recognition and enforcement;

(4) the name and last-known address of the person against whom the judgment is being registered;

(5) if the judgment is of the type described in Section 3(b) or (c), a description of the part of the judgment being registered;

(6) the amount of the judgment or part of the judgment being registered, identifying:

(A) the amount of interest accrued as of the date of registration on the judgment or part of the judgment being registered, including the rate of interest, the part of the judgment to which interest applies, and the date when interest began;

(B) costs and expenses included in the judgment or part of the judgment being registered, other than an amount awarded for attorney's fees; and

(C) the amount of an award of attorney's fees included in the judgment or part of the judgment being registered;

(7) the amount of post-judgment costs, expenses, and attorney's fees as of the date of registration claimed by the person registering the judgment or part of the judgment;

(8) the amount of the judgment or part of the judgment being registered that has

been satisfied as of the date of registration;

(9) a statement that:

(A) the judgment is final, conclusive, and enforceable under the law of the Canadian jurisdiction in which it was rendered;

(B) the judgment or part of the judgment being registered is within the scope of this [act]; and

(C) if a part of the judgment is being registered, the amounts stated in the registration as required by subsections (6), (7) and (8) relate to the part;

(10) if the judgment is not in English, a certified translation of the judgment into English; and

(11) [a registration fee of \$[____]] [the registration fee stated in [cite to applicable statute or administrative rule]].

(c) On receipt of a registration that includes the documents, information, and registration fee required by subsection (b), the [clerk] shall file the registration, assign a [registration] docket number, and enter the Canadian judgment in the court's [registration] docket.

(d) A registration substantially in the following form, which includes the attachments specified in the form, complies with the requirements under subsection (b) for registration.

REGISTRATION OF CANADIAN MONEY JUDGMENT

This completed form, together with the documents required by Subpart V, should be filed with the [Clerk] of Court. When stating a sum of money, identify the currency in which the sum is stated.

I. Identification of Canadian Judgment

Canadian Court Rendering the Judgment: _____

Case/Docket Number in Canadian Court: _____

Name of Plaintiff: _____

Name of Defendant: _____

The Canadian Court entered the judgment on _____ [Date] in _____ [City] in _____ [Province or Territory]. The judgment includes an award for the payment of money in favor of _____ in the amount of _____.

If only part of the Canadian judgment is subject to registration (see [cite to Section 3(b) and (c) of the Registration of Canadian Money Judgments Act]), describe the part of the judgment being registered. _____.

II. Identification of Person Registering Judgment and Person Against Whom Judgment is Being Registered

Name of Person Registering Judgment: _____. If the person registering the judgment is not the person in whose favor the judgment was rendered, describe the interest in the judgment of the person registering the judgment that entitles the person to seek its recognition and enforcement. _____

Address: _____

Additional Contact Information for Person Registering Judgment (optional):

Telephone Number: _____ FAX Number: _____

Email Address: _____

Name of Attorney for Person Registering Judgment, if any: _____

Address: _____

Telephone Number: _____ FAX Number: _____

Email Address: _____

Name of Person Against Whom Judgment is Being Registered: _____

Address: _____ (provide the most recent address known)

Additional Contact Information for Person Against Whom Judgment is Being Registered

(optional) (provide most recent information known):

Telephone Number: _____ FAX Number: _____

Email Address: _____

III. Calculation of Amount for Which Enforcement is Sought

The amount of the Canadian judgment or part of the judgment being registered is

_____.

The amount of interest accrued as of the date of registration on the part of the judgment being registered is _____. The applicable rate of interest is _____. The date when interest began is _____. The part of the judgment to which the interest applies is _____.

The Canadian Court awarded costs and expenses relating to the part of the judgment being registered in the amount of _____ (exclude any amount included in the award of costs and expenses that represents an award of attorney's fees).

The Canadian Court awarded attorney's fees relating to the part of the judgment being registered in the amount of _____.

The person registering the Canadian judgment claims post-judgment costs and expenses of _____ and post-judgment attorney's fees of _____ relating to the part of the judgment being registered (include only costs, expenses, and attorney's fees incurred before registration).

The amount of the part of the judgment being registered that has been satisfied as of the date of registration is _____.

The total amount for which enforcement of the part of the judgment being registered is sought is _____.

IV. Statement of Person Registering Judgment

I, _____ [Person Registering Judgment or Attorney for Person Registering Judgment] state:

1. The Canadian judgment is final, conclusive, and enforceable under the law of the Canadian jurisdiction in which it was rendered.
2. The Canadian judgment or part of the Canadian judgment being registered is within the scope of the [cite to the Registration of Canadian Money Judgments Act].
3. If only a part of the Canadian judgment is being registered, the amounts stated in Part III of the registration relate to that part.

V. Items Required to be Included with Registration

Attached are (check to signify required items are included):

_____ A copy of the Canadian judgment authenticated as accurate by the Canadian court that entered the judgment in accordance with [cite to state's rules regarding authentication of a foreign judgment].

_____ If the Canadian judgment is not in English, a certified translation of the judgment into English.

_____ A registration fee in the amount of \$[].

I declare that the information provided on this form is true and correct, except as to matters stated to be on information and belief and, as to those matters, I believe them to be true.

Submitted by: _____

Person Registering Judgment or
Attorney for Person Registering Judgment
(specify whether signer is the person
registering the judgment or that person's
attorney)

Date of submission: _____

Legislative Note: *The term “clerk” is bracketed in this section to signify that the state should specify the appropriate term for the court officer in the state.*

Subsection (b)(11) provides alternative bracketed language regarding the registration fee. A state that combines fees in a centralized statute should reference that statute as indicated by the second set of brackets. If a state establishes fees by administrative rule, the reference should be to the administrative rule. Other states should set the fee in this act by opting for the first set of brackets.

The term “registration” is bracketed in subsection (c) to signify that the state should select the appropriate term in the state for the docket in which the registration will be filed.

In Part V of the registration form, the state should provide the amount of the registration fee in the bracketed location.

SECTION 5. EFFECT OF REGISTRATION.

(a) Subject to subsection (b), a Canadian judgment registered under Section 4 has the same effect provided in [cite to Section 7 of the Uniform Foreign-Country Money Judgments Recognition Act] for a judgment determined by a court to be entitled to recognition.

(b) A Canadian judgment registered under Section 4 may not be enforced by sale or other disposition of property, or by seizure of property or [garnishment] [trustee process], until 31 [calendar] days after service under Section 6 of notice of registration. The court for cause may provide for a shorter or longer time. This subsection does not preclude use of relief available under law of this state other than this [act] to prevent dissipation, disposition, or removal of property.

Legislative Note: *The state should select between the bracketed terms “garnishment” and “trustee process” depending upon how this enforcement action is described in the state. If the*

state uses another term to describe this type of enforcement action, then the state should place that term in the text instead of either “garnishment” or “trustee process”.

“Days” in this section means calendar days. If other law of the state specifying how days are counted would alter that result, the state should include the word “calendar” as shown by the bracket in subsection (b).

SECTION 6. NOTICE OF REGISTRATION.

(a) A person that registers a Canadian judgment under Section 4 shall cause notice of registration to be served on the person against whom the judgment has been registered.

(b) Notice under this section must be served in the same manner that a summons and [complaint] must be served in an action under [cite to Section 6 of the Uniform Foreign-Country Money Judgments Recognition Act] seeking recognition of a foreign-country money judgment.

(c) Notice under this section must include:

(1) the date of registration and court in which the judgment was registered;

(2) the [registration] docket number assigned to the registration;

(3) the name and address of:

(A) the person registering the judgment; and

(B) the person’s attorney, if any;

(4) a copy of the registration, including the documents required under Section 4(b); and

(5) a statement that

(A) the person against whom the judgment has been registered has 30 [calendar] days after the date of service of notice in which to [petition] the court to vacate the registration; and

(B) the court for cause may provide for a shorter or longer time.

(d) Proof of service of notice under this section must be filed with the [clerk] of the court.

Legislative Note: The term “complaint” is bracketed in subsection (b) to signify that the state should select the appropriate term used in the state to describe the initial pleading filed to commence a civil action.

The term “registration” is bracketed in subsection (c)(2) to signify that the state should select the appropriate term in the state for the docket in which the registration is filed.

“Days” in this section means calendar days. If other law of the state specifying how days are counted would alter that result, the state should include the word “calendar” as shown by the bracket in subsection (c)(5)(A).

The term “petition” is bracketed in subsection (c)(5)(A) to signify that the state should select the appropriate term used in the state for a pleading requesting relief from a judgment.

The term “clerk” is bracketed in subsection (d) to signify that the state should select the appropriate term for the court officer in the state.

SECTION 7. [PETITION] TO VACATE REGISTRATION.

(a) Not later than 30 [calendar] days after notice under Section 6 is served, the person against whom the judgment was registered may [petition] the court to vacate the registration. The court for cause may provide for a shorter or longer time.

(b) A [petition] under this section may assert only:

(1) a ground that could be asserted to deny recognition of the judgment under [cite to the Uniform Foreign-Country Money Judgments Recognition Act]; or

(2) a failure to comply with the requirements of this [act] for registration of the judgment.

(c) A [petition] under this section does not itself stay enforcement of the registered judgment.

(d) If the court grants a [petition] under this section, the registration is vacated, and any act under the registration to enforce the registered judgment is void.

(e) If the court grants a [petition] under this section on a ground under subsection (b)(1), the court also shall render a [judgment] denying recognition of the Canadian judgment. A

[judgment] rendered under this subsection has the same effect as a [judgment] denying recognition to a judgment on the same ground under the [cite to the Uniform Foreign-Country Money Judgments Recognition Act].

***Legislative Note:** The term “petition” is bracketed in the title and text of this section to signify that the state should select the appropriate term used in the state for a pleading requesting relief from a judgment.*

The term “judgment” is bracketed in subsection (e) to signify that the state should select the appropriate term used in the state to describe a final court determination with regard to the merits of a case.

“Days” in subsection (a) means calendar days. If other law of the state specifying how days are counted would alter that result, the state should include the word “calendar” as shown by the bracket in subsection (a).

SECTION 8. STAY OF ENFORCEMENT PROCEEDINGS. A person that files a [petition] under Section 7(a) to vacate registration of a Canadian judgment may request the court to stay enforcement of the judgment pending determination of the [petition]. The court shall grant the stay if the court determines that the person has established a likelihood of success on the merits with regard to a ground under Section 7(b) for vacating a registration. The court may require the person to provide security in an amount determined by the court.

***Legislative Note:** The term “petition” is bracketed in this section to signify that the state should select the appropriate term used in the state for a pleading requesting relief from a judgment.*

SECTION 9. RELATIONSHIP TO UNIFORM FOREIGN-COUNTRY MONEY JUDGMENTS RECOGNITION ACT.

(a) This [act] supplements [cite to the Uniform Foreign-Country Money Judgments Recognition Act] and that [act], other than [cite to Section 6 of the Uniform Foreign-Country Money Judgments Recognition Act], applies to a registration under this [act].

(b) A person may seek recognition of a Canadian judgment either:

(1) by registration under this [act]; or

(2) as provided under [cite to Section 6 of the Uniform Foreign-Country Money Judgments Recognition Act].

(c) Subject to subsection (d), a person may not seek recognition in this state of the same judgment or part of a judgment described in Section 3(b) or (c) with regard to the same person under both this [act] and [cite to Section 6 of the Uniform Foreign-Country Money Judgments Recognition Act].

(d) If the court grants a [petition] to vacate a registration solely on a ground under Section 7(b)(2) the person seeking registration may:

(1) if the defect in the registration is one that can be cured, file a new registration under this [act]; or

(2) seek recognition of the judgment under [cite to Section 6 of the Uniform Foreign-Country Money Judgments Recognition Act].

***Legislative Note:** The term “petition” is bracketed in subsection (d) to signify that the state should select the appropriate term used in the state for a pleading requesting relief from a judgment.*

SECTION 10. UNIFORMITY OF APPLICATION AND INTERPRETATION. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

SECTION 11. TRANSITIONAL PROVISION. This [act] applies to the registration of a Canadian judgment entered in a proceeding commenced in Canada on or after [the effective date of this [act]].

SECTION 12. EFFECTIVE DATE. This [act] takes effect