

**REVISED UNIFORM ENFORCEMENT OF
FOREIGN 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 SEVENTY-THIRD YEAR
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With Prefatory Note

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at New York, New York, August 13, 1964

The committee which acted for the National Conference of Commissioners on Uniform State Laws in preparing the Revised Uniform Enforcement of Foreign Judgments Act was as follows:

FRANK F. JESTRAB, P.O. Box 1343, Williston, North Dakota, *Chairman*

FRANKLIN CORRICK, State Capitol, Topeka, Kansas

C.J. McNEILL, P.O. Box 240, Lansing, Michigan

ARIE POLDERVAART, University of New Mexico Law School, 1915 Roma Ave., NE,
Albuquerque, New Mexico

EARL SACHSE, Room 240, State Capitol, Madison, Wisconsin, *Chairman, Section B*

Copies of all Uniform and Model Acts promulgated by the Conference may be obtained from

NATIONAL CONFERENCE OF COMMISSIONERS
ON UNIFORM STATE LAWS
211 E. Ontario Street., Suite 1300
Chicago, IL 60611

REVISED UNIFORM ENFORCEMENT OF FOREIGN JUDGMENTS ACT

Prefatory Note

Court congestion is a problem common to all states. Overcrowded dockets, overworked judges and court officials, with attendant delays, inevitably tend to lower standards for the administration of justice. One of the things that contributes to calendar congestion is the Federal necessity of giving full faith and credit to the judgments of courts of other states. U.S. Const. Art IV §1. While there is no constitutional requirement that a debtor who has had a full due process trial in one state need be given a second full scale trial on the judgment in another state, this is the only course generally available to creditors. The usual practice requires that an action be commenced on the foreign judgment. The full procedural requirements apply to the second action.

In 1948 the National Conference of Commissioners on Uniform State Laws approved the original Uniform Enforcement of Foreign Judgments Act. This act was a distinct advance over the usual method. It provided a summary judgment procedure for actions on foreign judgments. Even this advance, however, fell far short of the method provided by Congress in 1948 for the inter-district enforcement of the judgments of the Federal District Courts. 28 U.S. C., § 1963. Further, widespread adoption by the states of some form of the Federal Rules of Civil Procedure which include regular summary judgment practice made special summary judgment acts superfluous.

This 1964 revision of the Uniform Enforcement of Foreign Judgments Act adopts the practice which, in substance, is used in Federal courts. It provides the enacting state with a speedy and economical method of doing that which it is required to do by the Constitution of the United States. It also relieves creditors and debtors of the additional cost and harassment of further litigation which would otherwise be incident to the enforcement of the foreign judgment. This act offers the states a chance to achieve uniformity in a field where uniformity is highly desirable. Its enactment by the states should forestall Federal legislation in this field.

**REVISED UNIFORM ENFORCEMENT OF
FOREIGN JUDGMENTS ACT**

Section 1. [*Definition.*] In this Act "foreign judgment" means any judgment, decree, or order of a court of the United States or of any other court which is entitled to full faith and credit in this state.

Section 2. [*Filing and Status of Foreign Judgments.*] A copy of any foreign judgment authenticated in accordance with the act of Congress or the statutes of this state may be filed in the office of the Clerk of any [District Court of any city or county] of this state. The Clerk shall treat the foreign judgment in the same manner as a judgment of the [District Court of any city or county] of this state. A judgment so filed has the same effect and is subject to the same procedures, defenses and proceedings for reopening, vacating, or staying as a judgment of a [District Court of any city or county] of this state and may be enforced or satisfied in like manner.

Section 3. [*Notice of Filing.*]

(a) At the time of the filing of the foreign judgment, the judgment creditor or his lawyer shall make and file with the Clerk of Court an affidavit setting forth the name and last known post office address of the judgment debtor, and the judgment creditor.

(b) Promptly upon the filing of the foreign judgment and the affidavit, the Clerk shall mail notice of the filing of the foreign judgment to the judgment debtor at the address given and shall make a note of the mailing in the docket. The notice shall include the name and post office

address of the judgment creditor and the judgment creditor's lawyer, if any, in this state. In addition, the judgment creditor may mail a notice of the filing of the judgment to the judgment debtor and may file proof of mailing with the Clerk. Lack of mailing notice of filing by the Clerk shall not affect the enforcement proceedings if proof of mailing by the judgment creditor has been filed.

[(c) No execution or other process for enforcement of a foreign judgment filed hereunder shall issue until [] days after the date the judgment is filed.]

Section 4. [*Stay.*]

(a) If the judgment debtor shows the [District Court of any city or county] that an appeal from the foreign judgment is pending or will be taken, or that a stay of execution has been granted, the court shall stay enforcement of the foreign judgment until the appeal is concluded, the time for appeal expires, or the stay of execution expires or is vacated, upon proof that the judgment debtor has furnished the security for the satisfaction of the judgment required by the state in which it was rendered.

(b) If the judgment debtor shows the [District Court of any city or county] any ground upon which enforcement of a judgment of any [District Court of any city or county] of this state would be stayed, the court shall stay enforcement of the foreign judgment for an appropriate period, upon requiring the same security for satisfaction of the judgment which is required in this state.

Section 5. [*Fees.*] Any person filing a foreign judgment shall pay to the Clerk of Court

_____ dollars. Fees for docketing, transcription or other enforcement proceedings shall be as provided for judgments of the [District Court of any city or county of this state].

Section 6. [*Optional Procedure.*] The right of a judgment creditor to bring an action to enforce his judgment instead of proceeding under this Act remains unimpaired.

Section 7. [*Uniformity of Interpretation.*] This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Section 8. [*Short Title.*] This Act may be cited as the Uniform Enforcement of Foreign Judgments Act.

Section 9. [*Repeal.*] The following Acts and parts of Acts are repealed:

- (1)
- (2)
- (3)

Section 10. [*Taking Effect.*] This Act takes effect on _____.