**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

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NATIONAL CONFERENCE OF COMMISSIONERS

ON UNIFORM STATE LAWS

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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.

***Legislative Note:*** *Because this act relies on the rules of the Uniform Foreign-Country Money Judgments Recognition Act, this act should be enacted only in a state that has enacted that Act or is enacting that Act concurrently with enactment of this 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 Uniform Foreign-Country Money Judgments Recognition Act Section 3], 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 recovery 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 is with regard to subject matter within the scope of this [act].

#  SECTION 4. REGISTRATION OF CANADIAN JUDGMENT.

 (a) A person seeking recognition of a Canadian judgment described in Section 3 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 Uniform Foreign-Country Money Judgments Recognition Act Section 6].

 (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 [under [cite to state’s law on authentication of a foreign country judgment]] [in the same manner as a copy of a foreign judgment is authenticated in an action under [cite to Uniform Foreign-Country Money Judgments Recognition Act Section 6]] as an accurate copy 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 the person registering the judgment has in the judgment which 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, the rate of interest, the part of the judgment to which interest applies, and the date when interest began to accrue;

 (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, as of the date of registration, of post-judgment costs, expenses, and attorney’s fees 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 which 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 under paragraphs (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 complies with the registration requirements under subsection (b) if the registration includes the attachments specified in the form:

**REGISTRATION OF CANADIAN MONEY JUDGMENT**

Complete and file thisform, together with the documents required by Part V of this form, with the [Clerk] of Court. When stating an amount of money, identify the currency in which the amount is stated.

PART I. IDENTIFICATION OF CANADIAN JUDGMENT

Canadian Court Rendering the Judgment: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Case/Docket Number in Canadian Court: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of Plaintiff(s): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of Defendant(s): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The Canadian Court entered the judgment on \_\_\_\_\_\_\_\_\_\_\_ in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in

 [Date] [City]

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. The judgment includes an award for the payment of

 [Province or Territory]

money in favor of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in the amount of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. If only part of the Canadian judgment is subject to registration (see [cite to Uniform Registration of Canadian Money Judgments Act Section 3(b) and (c)]), describe the part of the judgment being registered: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

PART II. IDENTIFICATION OF PERSON REGISTERING JUDGMENT AND PERSON AGAINST WHOM JUDGMENT IS BEING REGISTERED

Provide the following information for all persons seeking to register the judgment under this registration and all persons against whom the judgment is being registered under this registration.

Name of Person(s) Registering Judgment: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

If a person registering the judgment is not the person in whose favor the judgment was rendered, describe the interest the person registering the judgment has in the judgment which entitles the person to seek its recognition and enforcement: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address of Person(s) Registering Judgment: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Additional Contact Information for Person(s) Registering Judgment (Optional):

Telephone Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ FAX Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Email Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of Attorney for Person(s) Registering Judgment, if any: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Telephone Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ FAX Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Email Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of Person(s) Against Whom Judgment is Being Registered: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address of Person(s) Against Whom Judgment is Being Registered: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (provide the most recent address known)

Additional Contact Information for Person(s) Against Whom Judgment is Being Registered (Optional) (provide most recent information known):

Telephone Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ FAX Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Email Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

PART III. CALCULATION OF AMOUNT FOR WHICH ENFORCEMENT IS SOUGHT

Identify the currency or currencies in which each amount is stated.

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 to accrue 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 which 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 in the amount of \_\_\_\_\_\_\_\_\_\_\_\_\_\_ and post-judgment attorney’s fees in the amount 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 which 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 \_\_\_\_\_\_\_\_\_\_\_\_\_\_.

PART IV. STATEMENT OF PERSON REGISTERING JUDGMENT

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ state:

[Person Registering Judgment or Attorney for Person Registering Judgment]

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 judgment being registered is within the scope of the [cite to Uniform 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 this form relate to that part.

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 [under [cite to state’s rules on authentication of a foreign judgment]] [in the same manner a copy of a foreign judgment is authenticated in an action under [cite to Uniform Foreign-Country Money Judgments Recognition Act Section 6]] as an accurate copy by the Canadian court that entered the judgment.

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

\_\_\_\_\_ [A registration fee in the amount of $[ ]] [The registration fee stated in [cite to applicable statute or administrative rule]].

 I declare that the information provided on this form is true and correct to the best of my knowledge and belief.

 Submitted by: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Signature of [Person Registering Judgment]

 [Attorney for Person Registering Judgment]

 [specify whether signer is the person registering the judgment or that person’s attorney]

Date of submission: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

***Legislative Note:*** *“Clerk” is bracketed in this section. The state should insert the appropriate term in the state for the court officer.*

*Subsection (b)(1) provides alternative bracketed language regarding authentication of a copy of the Canadian judgment being registered. A state that has a statute or rule regarding the method of authenticating a foreign country judgment should refer to that statute or rule as indicated by the first set of brackets. Other states should opt for the second set of brackets.*

*Subsection (b)(11 )provides alternative bracketed language regarding the registration fee. A state that combines fees in a centralized statute should refer to 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.*

*“Registration” is bracketed in subsection (c). The state should insert the appropriate term in the state for the docket in which the registration will be filed.*

*Part V of the registration form provides alternative bracketed language regarding the registration fee. A state that combines fees in a centralized statute should refer to 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. A state that sets the registration fee in this act should provide the amount of the registration fee in the form by opting for the first set of brackets.*

#  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 Uniform Foreign-Country Money Judgments Recognition Act Section 7] for a judgment a court determines 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 days after notice under Section 6 of registration is served. 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 on how this type of enforcement action is described in state law. If the state uses another term to describe this type of enforcement action, the state should insert that term instead of “garnishment” or “trustee process”.*

#  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 seeking recognition under [cite to Uniform Foreign-Country Money Judgments Recognition Act Section 6] 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, not later than 30 days after the date of service of notice, may [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:*** *“Complaint” is bracketed in subsection (b). The state should insert the appropriate term in the state to describe the initial pleading filed to commence a civil action.*

*“Registration” is bracketed in subsection (c)(2). The state should insert the appropriate term in the state for the docket in which the registration is filed.*

*“Petition” is bracketed in subsection (c)(5(A). The state should insert the appropriate term in the state for a request for relief from a judgment.*

*“Clerk” is bracketed in subsection (d). The state should insert the appropriate term in the state for the court officer.*

#  SECTION 7. [PETITION] TO VACATE REGISTRATION.

 (a) Not later than 30 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 for filing the [petition].

 (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 Uniform Foreign-Country Money Judgments Recognition Act]; or

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

 (c) A [petition] filed 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 [cite to Uniform Foreign-Country Money Judgments Recognition Act].

***Legislative Note:*** *“Petition” is bracketed in the title and text of this section. The state should insert the appropriate term in the state for a request for relief from a judgment.*

*“Judgment’ is bracketed in subsection (e). The state should insert the appropriate term in the state to describe a final court determination of the merits of a case.*

SECTION 8. STAY OF ENFORCEMENT OF JUDGMENT PENDING DETERMINATION OF [PETITION].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 person establishes a likelihood of success on the merits with regard to a ground listed in Section 7(b) for vacating a registration. The court may require the person to provide security in an amount determined by the court as a condition of granting the stay.

***Legislative Note:*** *“Petition” is bracketed in the title and text of this section. The state should insert the appropriate term in the state for a request for relief from a judgment.*

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

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

(b) A person may seek recognition of a Canadian judgment described in Section 3 either:

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

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

 (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 Uniform Foreign-Country Money Judgments Recognition Act Section 6].

 (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 can be cured, file a new registration under this [act]; or

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

***Legislative Note:*** *“Petition” is bracketed in subsection (d). The state should insert the appropriate term in the state for a request for 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 that is commenced in Canada on or after [the effective date of this [act]].

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

***Legislative Note:*** *In a state that adopts both this act and the Uniform Foreign-Country Money Judgments Recognition Act in the same legislative session, the effective date of this act should be the same as, or later than, the effective date of the Uniform Foreign-Country Money Judgments Recognition Act.*