

[Second Reprint]
ASSEMBLY, No. 2220

STATE OF NEW JERSEY

INTRODUCED JUNE 27, 1996

By Assemblymen BAGGER, WISNIEWSKI
and Senator Matheussen

1 AN ACT concerning foreign judgments and supplementing Title 2A of
2 the New Jersey Statutes.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. This act shall be known and may be cited as the "Uniform
8 Enforcement of Foreign Judgments Act."

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10 2. In this act "foreign judgment" means any judgment, decree, or
11 order of a court of the United States or of any other court which is
12 entitled to full faith and credit in this State.

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14 3. A copy of any foreign judgment authenticated in accordance
15 with an act of Congress or the statutes of this State may be filed in the
16 office of the Clerk of the Superior Court of this State. The clerk shall
17 treat the foreign judgment in the same manner as a judgment of the
18 Superior Court of this State. A judgment so filed has the same effect
19 and is subject to the same procedures, defenses and proceedings for
20 reopening, vacating, or staying as a judgment of a Superior Court of
21 this State and may be enforced in the same manner.

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

27 ¹The affidavit shall further set forth whether the time to appeal the
28 foreign judgment has expired and whether the court of origin has
29 granted a stay of execution. In addition, in the case of a judgment
30 entered by default, the affidavit shall so state and shall set forth the

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AJU committee amendments adopted November 7, 1996.

² Senate floor amendments adopted April 21, 1997.

1 expiration date under the rules of the court of origin for vacating the
2 default.¹

3 b. Promptly upon the filing of the foreign judgment and the
4 affidavit, the clerk shall mail notice of the filing of the foreign
5 judgment to the judgment debtor at the address given and shall make
6 a note of the mailing in the docket. The notice shall include the name
7 and post office address of the judgment creditor and the judgment
8 creditor's lawyer, if any, in this State. In addition, the judgment
9 creditor may mail a notice of the filing of the judgment to the
10 judgment debtor and may file proof of mailing with the clerk. Lack of
11 mailing notice of filing by the clerk shall not affect the enforcement
12 proceedings if proof of mailing by the judgment creditor has been filed.

13 c. No execution or other process for enforcement of a foreign
14 judgment filed under this act shall issue until 14 days after the date the
15 judgment is filed.

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17 5. a. If the judgment debtor shows the Superior Court that an
18 appeal from the foreign judgment is pending or will be taken, or that
19 a stay of execution has been granted, the court shall stay enforcement
20 of the foreign judgment until the appeal is concluded, the time for
21 appeal expires, or the stay of execution expires or is vacated, upon
22 proof that the judgment debtor has furnished security for the
23 satisfaction of the judgment required by the state in which it was
24 rendered.

25 b. If the judgment debtor shows the Superior Court any ground
26 upon which enforcement of a judgment of the Superior Court would
27 be stayed, the Superior Court shall stay enforcement of the foreign
28 judgment for an appropriate period, upon requiring the same security
29 for satisfaction of the judgment which is required in this State.

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31 6. Any person filing a foreign judgment shall pay to the Clerk of
32 the Superior Court the fees required pursuant to N.J.S.22A:2-29 for
33 actions taken with respect to judgments. Fees for docketing,
34 transcription or other enforcement proceedings shall be as provided for
35 judgments of the Superior Court in accordance with N.J.S.22A:2-29.

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37 7. The right of a judgment creditor to bring an action to enforce his
38 judgment instead of proceeding under this act remains unimpaired.

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40 ²8. Nothing in this act shall be construed to require the
41 enforcement of any foreign judgment which is based on a consumer
42 loan containing any provision prohibited by the provisions of the "New
43 Jersey Licensed Lenders Act," P.L.1996, c.157 (C.17:11C-1 et seq).²

1 ²[8.] 9.² This act shall be so interpreted and construed as to
2 effectuate its general purpose to make uniform the law of those states
3 which enact it.

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5 ²[9.] 10.² This act shall take effect immediately.

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10 Concerns enforcement of foreign judgments.