

[First Reprint]  
ASSEMBLY, No. 2221

STATE OF NEW JERSEY

INTRODUCED JUNE 27, 1996

By Assemblymen BAGGER, WISNIEWSKI  
and Senator Matheussen

1 AN ACT concerning foreign <sup>1</sup>country<sup>1</sup> money-judgments and  
2 supplementing Title 2A of the New Jersey Statutes.

3

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 "<sup>1</sup>[Uniform]<sup>1</sup>  
8 Foreign <sup>1</sup>Country<sup>1</sup> Money-Judgments Recognition Act."

9

10 2. As used in this act:

11 "Foreign state" means any governmental unit other than the United  
12 States, or any state, district, commonwealth, territory or insular  
13 possession thereof <sup>1</sup>[, or the Panama Canal Zone, the Trust Territory  
14 of the Pacific Islands, or the Ryukyu Islands]<sup>1</sup>;

15 "Foreign <sup>1</sup>country<sup>1</sup> money-judgment" means any judgment of a  
16 foreign state granting or denying recovery of a sum of money, other  
17 than a judgment for taxes, a fine or other penalty, or a judgment for  
18 support in matrimonial or family matters.

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20 3. This act applies to any foreign <sup>1</sup>country<sup>1</sup> money-judgment that  
21 is final and conclusive and enforceable where rendered even though an  
22 appeal from it is pending or it is subject to appeal.

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24 4. Except as provided in section 5 of this act, a foreign <sup>1</sup>country<sup>1</sup>  
25 money-judgment meeting the requirements of section 3 of this act is  
26 conclusive between the parties to the extent that it grants or denies  
27 recovery of a sum of money. The foreign <sup>1</sup>country<sup>1</sup> money-judgment  
28 is enforceable in the same manner as the judgment of a sister state  
29 which is entitled to full faith and credit.

**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:**

<sup>1</sup> Assembly AJU committee amendments adopted November 7, 1996.

- 1       5. a. A foreign <sup>1</sup>country<sup>1</sup> money-judgment is not conclusive if:
- 2       (1) the <sup>1</sup> [judgement] judgment<sup>1</sup> was rendered under a system
- 3       which does not provide impartial tribunals or procedures compatible
- 4       with the requirements of due process of law;
- 5       (2) the foreign <sup>1</sup>country<sup>1</sup> court did not have personal jurisdiction
- 6       over the <sup>1</sup>[defendant] judgment debtor<sup>1</sup>; or
- 7       (3) the foreign <sup>1</sup>country<sup>1</sup> court did not have jurisdiction over the
- 8       subject matter.
- 9       b. A foreign <sup>1</sup>country<sup>1</sup> money-judgment need not be recognized if:
- 10      (1) the <sup>1</sup>[defendant] judgment debtor<sup>1</sup> in the proceedings in the
- 11      foreign <sup>1</sup>country<sup>1</sup> court did not receive notice of the proceedings in
- 12      sufficient time to enable <sup>1</sup>[him]the judgment debtor<sup>1</sup> to defend;
- 13      (2) the judgment was obtained by fraud;
- 14      (3) the cause of action on which the <sup>1</sup>foreign<sup>1</sup> judgment is based is
- 15      <sup>1</sup>[repugnant] contrary<sup>1</sup> to the public policy of this State;
- 16      (4) the judgment conflicts with <sup>1</sup>[another] a prior<sup>1</sup> final and
- 17      conclusive judgment;
- 18      (5) the <sup>1</sup>[proceeding] proceedings<sup>1</sup> in the foreign <sup>1</sup>country<sup>1</sup> court
- 19      <sup>1</sup>[was] were<sup>1</sup> contrary to an agreement between the parties under
- 20      which the dispute in question was to be settled, other than by
- 21      proceedings in that court; or
- 22      (6) in the case of jurisdiction based only on personal service, the
- 23      foreign <sup>1</sup>country<sup>1</sup> court was a seriously inconvenient forum for the trial
- 24      of the action.
- 25
- 26      6. a. The foreign <sup>1</sup>country<sup>1</sup> money-judgment shall not be refused
- 27      recognition for lack of personal jurisdiction if:
- 28      (1) the <sup>1</sup>[defendant] judgment debtor<sup>1</sup> was served personally in the
- 29      foreign state;
- 30      (2) the <sup>1</sup>[defendant ] judgment debtor<sup>1</sup> voluntarily appeared in the
- 31      proceedings, other than for the purpose of protecting property seized
- 32      or threatened with seizure in the proceedings or of contesting the
- 33      jurisdiction of the court over <sup>1</sup>[him]the judgment debtor<sup>1</sup>;
- 34      (3) <sup>1</sup>[prior to the commencement of the proceedings, the
- 35      defendant] the judgment debtor prior to the commencement of the
- 36      proceedings<sup>1</sup> had agreed <sup>1</sup>expressly in writing<sup>1</sup> to submit to the
- 37      jurisdiction of the foreign <sup>1</sup>country<sup>1</sup> court with respect to the subject
- 38      matter involved;
- 39      (4) the <sup>1</sup>[defendant] judgment debtor<sup>1</sup> was domiciled in the foreign
- 40      state when the proceedings were instituted, or being a body corporate,
- 41      had its principal place of business <sup>1</sup>[, was incorporated, ]<sup>1</sup> or had
- 42      otherwise acquired corporate status<sup>1</sup>[,]<sup>1</sup> in the foreign state;
- 43      (5) the <sup>1</sup>[defendant] judgment debtor<sup>1</sup> had a business office in the
- 44      foreign state and the proceedings in the foreign <sup>1</sup>country<sup>1</sup> court
- 45      involved a cause of action arising out of business done by the
- 46      <sup>1</sup>[defendant] judgment debtor<sup>1</sup> through that office in the foreign state;

1 or

2 (6) the <sup>1</sup>[defendant] judgment debtor<sup>1</sup> operated a motor vehicle or  
3 airplane in the foreign state and the proceedings involved a cause of  
4 action arising out of that operation.

5 b. The courts of this State may recognize other bases of <sup>1</sup>personal<sup>1</sup>  
6 jurisdiction.

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8 7. If the <sup>1</sup>[defendant] judgment debtor<sup>1</sup> satisfies the court<sup>1</sup>[  
9 either]<sup>1</sup> that an appeal <sup>1</sup>from the foreign country money- judgment<sup>1</sup>  
10 is pending or that <sup>1</sup>[he] the judgment debtor<sup>1</sup> is entitled and intends  
11 to appeal from the foreign <sup>1</sup>country<sup>1</sup> money-judgment, <sup>1</sup>or that a stay  
12 of execution has been granted.<sup>1</sup> the court may stay the proceedings  
13 until the appeal has been determined or until the expiration of a period  
14 of time sufficient to enable the <sup>1</sup>[defendant] judgment debtor<sup>1</sup> to  
15 prosecute the appeal.

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17 8. This act does not prevent the recognition of a foreign <sup>1</sup>country<sup>1</sup>  
18 money-judgment in situations not covered by this act.

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20 9. This act shall be so construed as to effectuate its general  
21 purpose to make uniform the law of those states which enact it.

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23 10. This act shall take effect immediately.

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28 Enacts the "Foreign Country Money-Judgments Recognition Act."