

Title 2A.
Chapter 49A. (New
Title) Foreign
Money Claims and
Judgments.
§§1-9
C.2A:49A-16 to
2A:49A-24

P.L. 1997, CHAPTER 96, *approved May 8, 1997*
Assembly, No. 2221 (*First Reprint*)

1 AN ACT concerning foreign ¹country¹ 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:

6

7 1. This act shall be known and may be cited as the "¹[Uniform]¹
8 Foreign ¹Country¹ 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 ¹[, or the Panama Canal Zone, the Trust Territory
14 of the Pacific Islands, or the Ryukyu Islands]¹;

15 "Foreign ¹country¹ 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.

19

20 3. This act applies to any foreign ¹country¹ 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 ¹country¹
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 ¹country¹ 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.

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31 5. a. A foreign ¹country¹ money-judgment is not conclusive if:

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.

1 (1) the ¹ [judgement] judgment¹ was rendered under a system
2 which does not provide impartial tribunals or procedures compatible
3 with the requirements of due process of law;

4 (2) the foreign ¹country¹ court did not have personal jurisdiction
5 over the ¹[defendant] judgment debtor¹; or

6 (3) the foreign ¹country¹ court did not have jurisdiction over the
7 subject matter.

8 b. A foreign ¹country¹ money-judgment need not be recognized if:

9 (1) the ¹[defendant] judgment debtor¹ in the proceedings in the
10 foreign ¹country¹ court did not receive notice of the proceedings in
11 sufficient time to enable ¹[him]the judgment debtor¹ to defend;

12 (2) the judgment was obtained by fraud;

13 (3) the cause of action on which the ¹foreign¹ judgment is based is
14 ¹[repugnant] contrary¹ to the public policy of this State;

15 (4) the judgment conflicts with ¹[another] a prior¹ final and
16 conclusive judgment;

17 (5) the ¹[proceeding] proceedings¹ in the foreign ¹country¹ court
18 ¹[was] were¹ contrary to an agreement between the parties under
19 which the dispute in question was to be settled, other than by
20 proceedings in that court; or

21 (6) in the case of jurisdiction based only on personal service, the
22 foreign ¹country¹ court was a seriously inconvenient forum for the trial
23 of the action.

24

25 6. a. The foreign ¹country¹ money-judgment shall not be refused
26 recognition for lack of personal jurisdiction if:

27 (1) the ¹[defendant] judgment debtor¹ was served personally in the
28 foreign state;

29 (2) the ¹[defendant] judgment debtor¹ voluntarily appeared in the
30 proceedings, other than for the purpose of protecting property seized
31 or threatened with seizure in the proceedings or of contesting the
32 jurisdiction of the court over ¹[him]the judgment debtor¹;

33 (3) ¹[prior to the commencement of the proceedings, the
34 defendant] the judgment debtor prior to the commencement of the
35 proceedings¹ had agreed ¹expressly in writing¹ to submit to the
36 jurisdiction of the foreign ¹country¹ court with respect to the subject
37 matter involved;

38 (4) the ¹[defendant] judgment debtor¹ was domiciled in the foreign
39 state when the proceedings were instituted, or being a body corporate,
40 had its principal place of business ¹[, was incorporated,]¹ or had
41 otherwise acquired corporate status¹[,]¹ in the foreign state;

42 (5) the ¹[defendant] judgment debtor¹ had a business office in the
43 foreign state and the proceedings in the foreign ¹country¹ court
44 involved a cause of action arising out of business done by the
45 ¹[defendant] judgment debtor¹ through that office in the foreign state;

46 or

1 (6) the ¹[defendant] judgment debtor¹ operated a motor vehicle or
2 airplane in the foreign state and the proceedings involved a cause of
3 action arising out of that operation.

4 b. The courts of this State may recognize other bases of ¹personal¹
5 jurisdiction.

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7 7. If the ¹[defendant] judgment debtor satisfies the court [¹
8 either]¹ that an appeal ¹from the foreign country money- judgment¹
9 is pending or that ¹[he] the judgment debtor¹ is entitled and intends
10 to appeal from the foreign ¹country¹ money-judgment, ¹or that a stay
11 of execution has been granted.¹ the court may stay the proceedings
12 until the appeal has been determined or until the expiration of a period
13 of time sufficient to enable the ¹[defendant] judgment debtor¹ to
14 prosecute the appeal.

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16 8. This act does not prevent the recognition of a foreign ¹country¹
17 money-judgment in situations not covered by this act.

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

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22 10. This act shall take effect immediately.

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25 _____
26
27 Enacts the "Foreign Country Money-Judgments Recognition Act."