

SENATE, No. 1578

STATE OF NEW JERSEY

INTRODUCED OCTOBER 3, 1996

By 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 b. Promptly upon the filing of the foreign judgment and the
28 affidavit, the clerk shall mail notice of the filing of the foreign
29 judgment to the judgment debtor at the address given and shall make
30 a note of the mailing in the docket. The notice shall include the name
31 and post office address of the judgment creditor and the judgment
32 creditor's lawyer, if any, in this State. In addition, the judgment
33 creditor may mail a notice of the filing of the judgment to the
34 judgment debtor and may file proof of mailing with the clerk. Lack of
35 mailing notice of filing by the clerk shall not affect the enforcement
36 proceedings if proof of mailing by the judgment creditor has been filed.

37 c. No execution or other process for enforcement of a foreign

1 judgment filed under this act shall issue until 14 days after the date the
2 judgment is filed.

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4 5. a. If the judgment debtor shows the Superior Court that an
5 appeal from the foreign judgment is pending or will be taken, or that
6 a stay of execution has been granted, the court shall stay enforcement
7 of the foreign judgment until the appeal is concluded, the time for
8 appeal expires, or the stay of execution expires or is vacated, upon
9 proof that the judgment debtor has furnished security for the
10 satisfaction of the judgment required by the state in which it was
11 rendered.

12 b. If the judgment debtor shows the Superior Court any ground
13 upon which enforcement of a judgment of the Superior Court would
14 be stayed, the Superior Court shall stay enforcement of the foreign
15 judgment for an appropriate period, upon requiring the same security
16 for satisfaction of the judgment which is required in this State.

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

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

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27 8. This act shall be so interpreted and construed as to effectuate its
28 general purpose to make uniform the law of those states which enact
29 it.

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31 9. This act shall take effect immediately.

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34 STATEMENT

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36 With respect to the enforcement of judgments, decrees or orders of
37 a court of the United States or of any other court which is entitled to
38 full faith and credit in this State, this bill adopts the practice used in
39 federal courts for the inter-district enforcement of the judgments of
40 Federal District Courts. The bill relieves creditors and debtors of the
41 additional cost and harassment of further litigation currently
42 experienced with respect to the enforcement of a foreign judgment.

43 Forty-two states have enacted this uniform act since it was
44 proposed in 1964 by the National Conference of Commissioners on
45 Uniform State Laws and the American Bar Association. New Jersey
46 is one of eight states that have yet to adopt this uniform act.

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- 3 Concerns enforcement of foreign judgments.