

[First Reprint]
SENATE, No. 1579

STATE OF NEW JERSEY

INTRODUCED OCTOBER 3, 1996

By Senator MATHEUSSEN

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:

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7 1. This act shall be known and may be cited as the "¹[Uniform]¹
8 Foreign ¹Country¹ Money-Judgments Recognition Act."

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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;

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

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

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

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30 5. a. A foreign country money-judgment is not conclusive if:

31 (1) the judgment was rendered under a system which does not

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 Senate SJU committee amendments adopted January 14, 1997.

1 provide impartial tribunals or procedures compatible with the
2 requirements of due process of law;

3 (2) the foreign country court did not have personal jurisdiction
4 over the judgment debtor; or

5 (3) the foreign country court did not have jurisdiction over the
6 subject matter.

7 b. A foreign country money-judgment need not be recognized if:

8 (1) the judgment debtor in the proceedings in the foreign country
9 court did not receive notice of the proceedings in sufficient time to
10 enable the judgment debtor to defend;

11 (2) the judgment was obtained by fraud;

12 (3) the cause of action on which the foreign judgment is based is
13 contrary to the public policy of this State;

14 (4) the judgment conflicts with a prior final and conclusive
15 judgment;

16 (5) the proceedings in the foreign country court were contrary to
17 an agreement between the parties under which the dispute in question
18 was to be settled, other than by proceedings in that court; or

19 (6) in the case of jurisdiction based only on personal service, the
20 foreign country court was a seriously inconvenient forum for the trial
21 of the action.

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23 6. a. The foreign judgment shall not be refused recognition for
24 lack of personal jurisdiction if:

25 (1) the judgment debtor was served personally in the foreign state;

26 (2) the judgment debtor voluntarily appeared in the proceedings,
27 other than for the purpose of protecting property seized or threatened
28 with seizure in the proceedings or of contesting the jurisdiction of the
29 court over the judgment debtor;

30 (3) the judgment debtor prior to the commencement of the
31 proceedings had agreed expressly in writing to submit to the
32 jurisdiction of the foreign country court with respect to the subject
33 matter involved;

34 (4) the judgment debtor was domiciled in the foreign state when
35 the proceedings were instituted, or being a body corporate, had its
36 principal place of business or had otherwise acquired corporate status
37 in the foreign state;

38 (5) the judgment debtor had a business office in the foreign state
39 and the proceedings in the foreign country court involved a cause of
40 action arising out of business done by the judgment debtor through
41 that office in the foreign state; or

42 (6) the judgment debtor operated a motor vehicle or airplane in
43 the foreign state and the proceedings involved a cause of action
44 arising out of that operation.

45 b. The courts of this State may recognize other bases of personal
46 jurisdiction.

1 7. If the judgment debtor satisfies the court that an appeal from the
2 foreign country judgment is pending or that the judgment debtor is
3 entitled and intends to appeal from the foreign country judgment, or
4 that a stay of execution has been granted, the court may stay the
5 proceedings until the appeal has been determined or until the
6 expiration of a period of time sufficient to enable the judgment debtor
7 to prosecute the appeal.

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9 8. This act does not prevent the recognition of a foreign country
10 judgment in situations not covered by this act.

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

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15 10. This act shall take effect immediately.

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Enacts the "Foreign Country Money-Judgments Recognition Act"