Chapter 24

1955 REPLACEMENT PART

(1963 reprint)

Enforcement of Foreign Judgments and Decrees

24.010 Definitions
24.020 Registration of judgment
24.030 Application for registration
24.040 Personal jurisdiction
24.050 Notice in absence of personal jurisdiction
24.060 Levy
24.070 New personal judgment
24.080 Defenses
24.090 Pendency of appeal
24.100 Effect of setting aside registration
24.110 Appeal
24.120 New judgment quasi in rem
24.130 Sale under levy
24.140 Interest and costs
24.150 Satisfaction of judgment
24.160 Optional procedure
24.170 Construction of chapter
24.180 Short title

CROSS REFERENCES

Adoption certificate of foreign nation, effect, 109.385
Domicile of decedents for death tax purposes, settlement of disputes respecting the, 118.855 to 118.880
Enforcement of:
  Duties relating to judicial administration, 1.025
  Judgments and decrees generally, Ch. 23
  Support orders or decrees, 23.775 to 23.805
Executions and exemptions generally, Ch. 23
Judicial record of sister state enforced in Oregon only by action, suit or proceeding, 43.180
Judicial records, proof and effect, 43.110 to 43.220
Removing property of nonresident ward, 126.351

24.020

Statute of limitations, 12.070

24.010 Definitions. As used in this chapter:

(1) "Foreign judgment" means any judgment, decree or order of a court of the United States or of any state or territory which is entitled to full faith and credit in this state.

(2) "Judgment debtor" means the party against whom a foreign judgment has been rendered.

(3) "Levy" means to take control of or create a lien upon property under any judicial writ or process whereby satisfaction of a judgment may be enforced against such property.

(4) "Register" means to docket and record a foreign judgment in a court of this state.

[1955 c.647 §1]

24.020 Registration of judgment. On application made within the time allowed for bringing an action on a foreign judgment in this state, any person entitled to bring such action may have a foreign judgment registered in any court of this state having jurisdiction of such an action.

[1955 c.647 §2]

24.030 Application for registration. A verified petition for registration shall set forth a copy of the judgment to be registered, the date of its entry and the record of any subsequent entries affecting it (such as levies of execution, payments in partial satisfaction and the like), all authenticated in the manner authorized by the laws of the United States or of this state, and a prayer that the judgment be registered. The clerk of the registering court shall notify the clerk of the court which rendered the original judgment that application for registration has been made, and shall request him to file this information with the judgment.

[1955 c.647 §3]

24.040 Personal jurisdiction. At any time after registration the petitioner shall be entitled to have summons issued and served upon the judgment debtor as in an action brought upon the foreign judgment, in any manner authorized by the law of this state for obtaining jurisdiction of the person.

[1955 c.647 §4]

24.050 Notice in absence of personal jurisdiction. If jurisdiction of the person of the judgment debtor cannot be obtained, a summons clearly designating the foreign judgment and reciting the fact of registration, the court in which it is registered, and the time allowed for pleading, shall be sent by the clerk of the registering court by registered mail to the last-known address of the judgment debtor. Proof of such mailing shall be made by certificate of the clerk.

[1955 c.647 §5]

24.060 Levy. At any time after registration and regardless of whether jurisdiction of the person of the judgment debtor has been secured or final judgment has been obtained, a levy may be made under the registered judgment upon any property of the judgment debtor which is subject to execution or other judicial process for satisfaction of judgments.

[1955 c.647 §6]

24.070 New personal judgment. If the judgment debtor fails to plead within 60 days after jurisdiction over his person has been obtained, or if the court after hearing has refused to set the registration aside, the registered judgment shall become a final personal judgment of the court in which it is registered.

[1955 c.647 §7]

24.080 Defenses. Any defense which under the law of this state may be asserted by the defendant in an action on the foreign judgment may be presented by appropriate pleadings and the issues raised thereby shall be tried and determined as in other civil actions. Such pleadings must be filed within 60 days after personal jurisdiction is acquired over him or within 60 days after the mailing of the notice prescribed in ORS 24.050.

[1955 c.647 §8]

24.090 Pendency of appeal. If the judgment debtor shows that an appeal from the original judgment is pending or that he is entitled and intends to appeal therefrom, the court shall, on such terms as it thinks just, postpone the trial for such time as appears sufficient for the appeal to be concluded, and may set aside the levy upon proof that the defendant has furnished adequate security for the satisfaction of the judgment.

[1955 c.647 §9]

24.100 Effect of setting aside registration. An order setting aside a registration constitutes a final judgment in favor of the judgment debtor.

[1955 c.647 §10]

24.110 Appeal. An appeal may be taken by either party from any judgment, order or decision sustaining or setting aside a registration on the same terms as an appeal from a judgment, order or decision of the same court.

[1955 c.647 §11]

24.120 New judgment quasi in rem. If personal jurisdiction of the judgment debtor is not secured within 60 days after the levy and he has not, within 60 days after the mailing of the notice prescribed by ORS 24.050, acted to set aside the registration, the registered judgment shall be a final judgment quasi in rem of the court in which it is registered, binding upon the judgment debtor's interest in property levied upon, and the court shall enter an order to that effect.
[1955 c.647 §12]

24.130 Sale under levy. Sale under the levy may be held at any time after final judgment, either personal or quasi in rem, but not earlier except as otherwise provided by law for sale under levy of perishable goods. Sale and distribution of the proceeds shall be made in accordance with the law of this state.
[1955 c.647 §13]

24.140 Interest and costs. When a registered foreign judgment becomes a final judgment of this state, the court shall include as part of the judgment interest payable on the foreign judgment under the law of the state in which it was rendered, and the cost of obtaining the authenticated copy of the original judgment. The court shall include as part of its judgment court costs incidental to the proceeding in accordance with the law of this state.
[1955 c.647 §14]

24.150 Satisfaction of judgment. Satisfaction, either partial or complete, of the original judgment or of a judgment entered thereupon in any other state shall operate to the same extent as satisfaction of the judgment in this state, except as to costs authorized by ORS 24.140.
[1955 c.647 §15]

24.160 Optional procedure. The right of a judgment creditor to bring an action to enforce his judgment instead of proceeding under this chapter remains unimpaired.
[1955 c.647 §16]

24.170 Construction of chapter. This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.
[1955 c.647 §17]

24.180 Short title. This chapter may be cited as the Uniform Enforcement of Foreign Judgments Act.
[1955 c.647 §18]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.
Done at Salem, Oregon,
on October 15, 1955.

Sam R. Haley
Legislative Counsel

CHAPTER 25

[Reserved for expansion]