

## Chapter 24

### 1977 REPLACEMENT PART

## Enforcement and Recognition of Foreign Judgments

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### CROSS REFERENCES

Adoption certificate of foreign nation, effect, 109.385	Judicial record of sister state enforced in Oregon only by action, suit or proceeding, 43.180
Domicile of decedents for death tax purposes, settlement of disputes respecting, 118.855 to 118.880	Judicial records, proof and effect, 43.110 to 43.220
Enforcement of:	
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## UNIFORM ENFORCEMENT OF FOREIGN JUDGMENTS ACT

**24.010 Definitions for ORS 24.010 to 24.180.** As used in ORS 24.010 to 24.180:

(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 ORS 24.010 to 24.180 remains unimpaired.

[1955 c 647 §16]

**24.170 Construction of ORS 24.010 to 24.180.** ORS 24.010 to 24.180 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.** ORS 24.010 to

24.180 may be cited as the Uniform Enforcement of Foreign Judgments Act.

[1955 c 647 §18]

### UNIFORM FOREIGN MONEY-JUDGMENTS RECOGNITION ACT

**24.200. Definitions for ORS 24.200 to 24.255.** As used in ORS 24.200 to 24.255:

(1) "Foreign state" means any governmental unit other than the United States, or any state, district, commonwealth, territory, insular possession thereof, or the Panama Canal Zone, the Trust Territory of the Pacific Islands, or the Ryukyu Islands;

(2) "Foreign judgment" means any judgment of a foreign state granting or denying recovery of a sum of money, other than a judgment for taxes, a fine or other penalty, or a judgment for support in matrimonial or family matters.

[1977 c.61 §1]

**24.210 Nonexclusive construction of ORS 24.200 to 24.255.** ORS 24.200 to 24.255 do not prevent the recognition of a foreign judgment in situations not covered by ORS 24.200 to 24.255.

[1977 c 61 §7]

**24.220 Recognition of foreign judgment; conclusiveness; exceptions.** (1) Except as provided in subsections (3) and (4) of this section, a foreign judgment meeting the requirements of subsection (2) of this section is conclusive between the parties to the extent that it grants or denies recovery of a sum of money. The foreign judgment is enforceable in the same manner as the judgment of a sister state which is entitled to full faith and credit.

(2) ORS 24.200 to 24.255 applies to any foreign judgment that is final and conclusive and enforceable where rendered even though an appeal therefrom is pending or it is subject to appeal.

(3) A foreign judgment is not conclusive if:

(a) The judgment was rendered under a system which does not provide impartial tribunals or procedures compatible with the requirements of due process of law;

(b) The foreign court did not have personal jurisdiction over the defendant; or

(c) The foreign court did not have jurisdiction over the subject matter.

(4) A foreign judgment need not be recognized if:

(a) The defendant in the proceedings in the foreign court did not receive notice of the proceedings in sufficient time to enable him to defend;

(b) The judgment was obtained by fraud;

(c) The cause of action on which the judgment is based is repugnant to the public policy of this state;

(d) The judgment conflicts with another final and conclusive judgment;

(e) The proceeding in the foreign court was contrary to an agreement between the parties under which the dispute in question was to be settled otherwise than by proceedings in that court; or

(f) In the case of jurisdiction based only on personal service, the foreign court was a seriously inconvenient forum for the trial of the action.

[1977 c.61 §§2, 3, 4]

**24.230 Discretion of court to stay proceedings during appeal.** If the defendant satisfies the court either that an appeal is pending or that he is entitled and intends to appeal from the foreign judgment, the court may stay the proceedings until the appeal has been determined or until the expiration of a period of time sufficient to enable the defendant to prosecute the appeal.

[1977 c.61 §6]

**24.240 Jurisdiction.** (1) The foreign judgment shall not be refused recognition for lack of personal jurisdiction if:

(a) The defendant was served personally in the foreign state;

(b) The defendant voluntarily appeared in the proceedings, other than for the purpose of

protecting property seized or threatened with seizure in the proceedings or of contesting the jurisdiction of the court over him;

(c) The defendant prior to the commencement of the proceedings had agreed to submit to the jurisdiction of the foreign court with respect to the subject matter involved;

(d) The defendant was domiciled in the foreign state when the proceedings were instituted, or, being a body corporate had its principal place of business, was incorporated, or had otherwise acquired corporate status, in the foreign state;

(e) The defendant had a business office in the foreign state and the proceedings in the foreign court involved a cause of action arising out of business done by the defendant through that office in the foreign state; or

(f) The defendant operated a motor vehicle or airplane in the foreign state and the proceedings involved a cause of action arising out of such operation.

(2) The courts of this state may recognize other bases of jurisdiction.

[1977 c.61 §5]

**24.250 Uniformity of interpretation.** ORS 24.200 to 24.255 shall be so construed as to effectuate their general purpose to make uniform the law of those states which enact them.

[1977 c.61 §8]

**24.255 Short title.** ORS 24.200 to 24.255 may be cited as the Uniform Foreign Money-Judgments Recognition Act.

[1977 c.61 §9]

#### CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G Clifford, 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,  
October 1, 1977

Thomas G Clifford  
Legislative Counsel

#### CHAPTER 25

[Reserved for expansion]

