Chapter 24

1979 REPLACEMENT PART
(1981 reprint)

Enforcement and Recognition of Foreign Judgments

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UNIFORM ENFORCEMENT OF FOREIGN JUDGMENTS ACT

24.010 [1955 c 647 §1; repealed by 1979 c 577 §8]

24.020 [1955 c 647 §2, repealed by 1979 c 577 §8]

24.030 [1955 c 647 §3, repealed by 1979 c 577 §8]

24.040 [1955 c 647 §4; repealed by 1979 c 577 §8]

24.050 [1955 c 647 §5, repealed by 1979 c 577 §8]

24.060 [1955 c 647 §6, repealed by 1979 c 577 §8]

24.070 [1955 c 647 §7; repealed by 1979 c 577 §8]

24.080 [1955 c 647 §8; repealed by 1979 c 577 §8]

24.090 [1955 c 647 §9; repealed by 1979 c 577 §8]

24.100 [1955 c 647 §10, repealed by 1979 c 577 §8]

24.105 Definitions for ORS 24.105 to 24.175. In ORS 24.105 to 24.135 and 24.155 to 24.175 "foreign judgment" means any judgment, decree or order of a court of the United States or of any other court which is entitled to full faith and credit in this state. [1979 c 577 §1]

24.110 [1955 c 647 §11, repealed by 1979 c 577 §8]

24.115 Filing of foreign judgment; effect. A copy of any foreign judgment authenticated in accordance with the Act of Congress or the statutes of this state may be filed in the office of the clerk of any court of any county of this state. The clerk shall treat the foreign judgment in the same manner as a judgment of the court of any county of this state. A judgment so filed has the same effect and is subject to the same procedures, defenses and proceedings for reopening, vacating or staying as a judgment of a court of any county of this state and may be enforced or satisfied in like manner. [1979 c 577 §2]

24.120 [1955 c 647 §12, repealed by 1979 c.577 §8]

24.125 Notice of filing of judgment; delay in enforcement. (1) At the time of the filing of the foreign judgment, the judgment creditor or the creditor's lawyer shall make and file with the clerk of the court an affidavit setting forth the name and last-known post-office address of the judgment debtor, and the judgment creditor.

(2) Promptly upon the filing of the foreign judgment and the affidavit, the clerk shall mail notice of the filing of the foreign judgment to the judgment debtor at the address given and shall make a note of the mailing in the docket. The notice shall include the name and post-office address of the judgment creditor and the judgment creditor's lawyer, if any, in this state. In addition, the judgment creditor may mail a notice of the filing of the judgment to the judgment debtor and may file proof of mailing with the clerk. Lack of mailing notice of filing by the clerk shall not affect the enforcement proceedings if proof of mailing by the judgment creditor has been filed.

(3) No execution or other process for enforcement of a foreign judgment filed pursuant to ORS 24.105 to 24.135 and 24.155 to 24.175 shall issue until five days after the date the judgment is filed. [1979 c 577 §3]

24.130 [1955 c 647 §13, repealed by 1979 c 577 §8]

24.135 Grounds for staying enforcement of judgment; security for satisfaction of judgment. (1) If the judgment debtor shows the court of any county that an appeal from the foreign judgment is pending or will be taken, or that a stay of execution has been granted, the court shall stay enforcement of the foreign judgment until the appeal is concluded, the time for appeal expires, or the stay of execution expires or is vacated, upon proof that the judgment debtor has furnished the security for the satisfaction of the judgment required by the state in which it was rendered.

(2) If the judgment debtor shows the court of any county any ground upon which enforcement of a judgment of any court of any county of this state would be stayed, the court shall stay enforcement of the foreign judgment for an appropriate period, upon requiring the same security for satisfaction of the judgment which is required in this state. [1979 c 577 §4]

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]

24.155 Optional procedure. The right of a judgment creditor to bring an action to enforce the judgment instead of proceeding under ORS 24.105 to 24.135 and 24.155 to 24.175 remains unimpaired. [1979 c 577 §5]

24.160 [1955 c 647 §16, repealed by 1979 c 577 §8]

24.165 Construction of ORS 24.105 to 24.175. ORS 24.105 to 24.135 and 24.155 to 24.175 shall be interpreted and construed in order to effectuate its general purpose to make uniform the law of those states which enact it. [1979 c 577 §6]

24.170 [1955 c 647 §17, repealed by 1979 c 577 §8]

24.175 Short title. ORS 24.105 to 24.135 and 24.155 to 24.175 may be cited as the Uniform Enforcement of Foreign Judgments Act. [1979 c 577 §7]

24.180 [1955 c 647 §18, repealed by 1979 c 577 §8]

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]

CHAPTER 25
[Reserved for expansion]