

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

S

1

SENATE BILL 805

Short Title: Uniform Foreign Judgments Act.

(Public)

Sponsors: Senators Winner; and Ezzell.

Referred to: Judiciary II.

April 6, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO ENACT FOR NORTH CAROLINA THE UNIFORM ENFORCEMENT
3 OF FOREIGN JUDGMENTS ACT.

4 The General Assembly of North Carolina enacts:

5 Section 1. Chapter 1C of the General Statutes is amended by adding a new
6 Article to read:

7 **“ARTICLE 17.**

8 **“UNIFORM ENFORCEMENT OF FOREIGN JUDGMENTS ACT.**

9 **“§ 1C-1701. Short title.**

10 This act shall be known and may be cited as the Uniform Enforcement of Foreign
11 Judgments Act.

12 **“§ 1C-1702. Definitions.**

13 As used in this Article, unless the context requires otherwise:

14 (1) ‘Foreign judgment’ means any judgment, decree, or order of a court of
15 the United States or a court of any other state which is entitled to full
16 faith and credit in this State.

17 (2) ‘Judgment debtor’ means the party against whom a foreign judgment
18 has been rendered.

19 **“§ 1C-1703. Filing and status of foreign judgments.**

20 A copy of any foreign judgment authenticated in accordance with an act of Congress
21 or the statutes of this State may be filed in the office of the clerk of any court of
22 competent jurisdiction of this State. The clerk shall treat the foreign judgment in the
23 same manner as a judgment of any court of competent jurisdiction of this State. A
24 judgment so filed has the same effect and is subject to the same procedures, defenses,

1 and proceedings for reopening, vacating, or staying as a judgment of any court of
2 competent jurisdiction of this State and may be enforced or satisfied in like manner.

3 **"§ 1C-1704. Notice of filing.**

4 (a) At the time of the filing of the foreign judgment, the judgment creditor or his
5 lawyer shall make and file with the clerk of court an affidavit setting forth the name and
6 last known address of the judgment debtor and the judgment creditor.

7 (b) Promptly upon the filing of the foreign judgment and the affidavit, the clerk
8 shall mail notice of the filing of the foreign judgment to the judgment debtor at the
9 address given and shall make a note of the mailing in the docket. The notice shall
10 include the name and address of the judgment creditor and the judgment creditor's
11 lawyer, if any, in this State. In addition, the judgment creditor may mail a notice of the
12 filing of the judgment to the judgment debtor and may file proof of mailing with the
13 clerk of court. Lack of mailing notice of filing by the clerk shall not affect the
14 enforcement proceedings if proof of mailing by the judgment creditor has been filed.

15 (c) No execution or other process for enforcement of a foreign judgment filed
16 under this Article shall issue until 30 days after the date the summons has been served
17 upon the judgment debtor.

18 **"§ 1C-1705. Stay.**

19 (a) If the judgment debtor shows the court that an appeal from the foreign
20 judgment is pending or will be taken, or that a stay of execution has been granted, and
21 proves that the judgment debtor has furnished the security for the satisfaction of the
22 judgment required by the state in which it was rendered, the court shall stay
23 enforcement of the foreign judgment until the appeal is concluded, the time for appeal
24 expires, or the stay of execution expires or is vacated.

25 (b) If the judgment debtor shows the court any ground upon which enforcement
26 of a judgment of any court of this State would be stayed, the court shall stay
27 enforcement of the foreign judgment for an appropriate period, upon requiring the same
28 security for satisfaction of the judgment which is required in this State.

29 **"§ 1C-1706. Fees.**

30 Any person filing a foreign judgment shall pay to the clerk of court a filing fee of
31 twenty dollars (\$20.00). Fees for docketing, transcription or other enforcement
32 proceedings shall be as provided by law for judgments of the courts of this State.

33 **"§ 1C-1707. Optional procedure.**

34 This Article may not be construed to impair a judgment creditor's right to bring an
35 action in this State to enforce such creditor's judgment."

36 Sec. 2. This act shall become effective October 1, 1989.