

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 805  
Second Edition Engrossed 5/9/89

Short Title: Uniform Foreign Judgments Act.

(Public)

Sponsors: Senators Winner; and Ezzell.

Referred to: Judiciary II.

April 6, 1989

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

The General Assembly of North Carolina enacts:

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

**“ARTICLE 17.**

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

**“§ 1C-1701. Short title.**

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

**“§ 1C-1702. Definitions.**

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

(1) ‘Foreign judgment’ means any judgment, decree, or order of a court of  
the United States or a court of any other state 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.

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

A copy of any foreign judgment authenticated in accordance with an act of Congress  
or the statutes of this State may be filed in the office of the clerk of any court of  
competent jurisdiction of this State. The clerk shall treat the foreign judgment in the  
same manner as a judgment of any court of competent jurisdiction of this State. A

1 judgment so filed has the same effect and is subject to the same procedures, defenses,  
2 and proceedings for reopening, vacating, or staying as a judgment of any court of  
3 competent jurisdiction of this State and may be enforced or satisfied in like manner.

4 **"§ 1C-1704. Notice of filing.**

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

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

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

19 **"§ 1C-1705. Stay.**

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

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

30 **"§ 1C-1706. Fees.**

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

34 **"§ 1C-1707. Optional procedure.**

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

37 **"§ 1C-1708. Judgments against public policy.**

38 The provisions of this act shall not apply to foreign judgments based on claims  
39 which are contrary to the public policies of North Carolina."

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