

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 805  
Second Edition Engrossed 5/9/89  
House Committee Substitute Favorable 7/20/89

Short Title: Uniform Foreign Judgments Act.

(Public)

Sponsors:

Referred to:

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, except a ‘support order,’ as defined in  
17 G.S. 52A-3(14) (The Uniform Reciprocal Enforcement of Support  
18 Act) or a ‘custody decree,’ as defined in G.S. 50A-2(4) (the Uniform  
19 Child Custody Jurisdiction Act).

20 (2) ‘Judgment Debtor’ means the party against whom a foreign judgment  
21 has been rendered.

1           (3) 'Judgment Creditor' means the party in whose favor a foreign  
2           judgment has been rendered.

3 **"§ 1C-1703. Filing and status of foreign judgments.**

4           (a) A copy of any foreign judgment authenticated in accordance with an act of  
5 Congress or the statutes of this State may be filed in the office of the clerk of superior  
6 court of any county of this State in which the judgment debtor resides, or owns real or  
7 personal property. Along with the foreign judgment, the judgment creditor or his  
8 attorney shall make and file with the clerk an affidavit which states that the foreign  
9 judgment is final and that it is unsatisfied in whole or in part, and which sets forth the  
10 amount remaining unpaid on the judgment.

11           (b) Upon the filing of the foreign judgment and the affidavit, the foreign  
12 judgment shall be docketed and indexed in the same manner as a judgment of this State;  
13 however, no execution shall issue upon the foreign judgment nor shall any other  
14 proceeding be taken for its enforcement until the expiration of 30 days from the date  
15 upon which notice of filing is served in accordance with G.S. 1C-1704.

16           (c) A judgment so filed has the same effect and is subject to the same procedures,  
17 defenses, and proceedings for reopening, vacating, or staying as a judgment of any court  
18 of competent jurisdiction of this State and shall be enforced or satisfied in like manner.

19 **"§ 1C-1704. Notice of filing; service.**

20           (a) Promptly upon the filing of a foreign judgment and affidavit, the judgment  
21 creditor shall serve the notice of filing provided for in subsection (b) on the judgment  
22 debtor and shall attach thereto a filed-stamped copy of the foreign judgment and  
23 affidavit. Service and proof of service of the notice may be made in any manner  
24 provided for in Rule 5 of the Rules of Civil Procedure.

25           (b) The notice shall set forth the name and address of the judgment creditor, of  
26 his attorney if any, and of the clerk's office in which the foreign judgment is filed in this  
27 State, and shall state that the judgment attached thereto has been filed in that office, that  
28 the judgment debtor has 30 days from the date of receipt of the notice to seek relief  
29 from the enforcement of the judgment, and that if the judgment is not satisfied and no  
30 such relief is sought within that 30 days, the judgment will be enforced in this State in  
31 the same manner as any judgment of this State.

32 **"§ 1C-1705. Procedure for relief from judgment; stay.**

33           (a) Any defense to, or proceedings to reopen, vacate, or stay, a foreign judgment  
34 shall be heard before a judge of the trial division which would be the proper division for  
35 the trial of an action in which the amount in controversy is the same as the amount  
36 remaining unpaid on the foreign judgment.

37           (b) If the judgment debtor shows the court that an appeal from the foreign  
38 judgment is pending or will be taken, or that a stay of execution has been granted, and  
39 proves that the judgment debtor has furnished the security for the satisfaction of the  
40 judgment required by the state in which it was rendered, the court shall stay  
41 enforcement of the foreign judgment until the appeal is concluded, the time for appeal  
42 expires, or the stay of execution expires or is vacated.

43           (c) If the judgment debtor shows the court any ground upon which enforcement  
44 of a judgment of any court of this State would be stayed, the court shall stay

1 enforcement of the foreign judgment for an appropriate period, upon requiring the same  
2 security for satisfaction of the judgment which is required by this State.

3 **"§ 1C-1706. Fees.**

4 The enforcement of a foreign judgment under this Article shall be subject to the  
5 costs and fees set forth in Article 28 of Chapter 7A of the General Statutes. The amount  
6 remaining unpaid on the foreign judgment as set forth in the affidavit filed under G.S.  
7 1C-1703(b) shall determine the amount of the costs to be collected at the time of the  
8 filing of the foreign judgment and assessed pursuant to G.S. 7A-305.

9 **"§ 1C-1707. Optional procedure.**

10 This Article may not be construed to impair a judgment creditor's right to bring a  
11 civil action in this State to enforce such creditor's judgment.

12 **"§ 1C-1708. Judgments against public policy.**

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

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