

TITLE 30 – CIVIL REMEDIES AND SPECIAL PROCEEDINGS
CHAPTER 4 - UNIFORM FOREIGN MONEY-JUDGMENTS RECOGNITION



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

**UNIFORM FOREIGN MONEY-JUDGMENTS
 RECOGNITION ACT**

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**UNIFORM FOREIGN MONEY-JUDGMENTS
RECOGNITION ACT**

AN ACT to adopt the Uniform Foreign Money-Judgments Recognition Act with certain modifications and to provide the exclusive bases for the recognition of foreign money judgments.

Commencement:

October 14, 1996

Source:

P.L. 1996-23

§401. Short Title.

This Chapter may be cited as the Uniform Foreign Money-Judgments Recognition Act. [P.L. 1996-23, §1.]

§402. Definitions.

As used in this Chapter.

- (1) **“foreign state”** means any governmental unit other than the Republic of the Marshall Islands;
- (2) **“foreign judgment”** means any judgment of a foreign nation, or political subdivision or territory or individual state thereof, 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 matters. [P.L. 1996-23, §2.]

§403. Applicability.

This Chapter applies to any foreign judgment that is final and conclusive and enforceable where rendered even though an appeal therefrom is pending, or subject to appeal. [P.L. 1996-23, §3.]

§404. Recognition and Enforcement.

Except as provided in Section 405, a foreign judgment meeting the requirements of section 403 is conclusive between the parties to the extent that it grants or denies recovery of a sum of money. [P.L. 1996-23, §4.]

§405. Grounds for Non-recognition.

- (1) A foreign judgment is not conclusive if;
 - (a) the judgment was rendered under a system which does not provided 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;
 - (c) the foreign court did not have jurisdiction over the subject matter; or
 - (d) the foreign court does not recognize or enforce the judgments of any other foreign nation.
- (2) 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 the Republic;
 - (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 the 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. [P.L. 1996-23, §5.][sub-sections and paragraphs re- numbered to conform to format of the Code]

§406. Personal Jurisdiction.

The foreign judgment shall not be refused recognition for lack of personal jurisdiction if:

- (1) the defendant voluntarily appeared in the proceedings, other than for the purpose of protecting property seized or threatened with seizure in the proceedings or a contesting the jurisdiction of the court over him;
- (2) 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;
- (3) 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;
- (4) the defendant had a business office in the foreign state and the proceeding 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
- (5) the defendant operated a motor vehicle or airplane in the foreign state and proceedings involved a cause of action arising out of such operation. [P.L. 1996-23, §6.]

§407. Stay in Case of 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 in 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. [P.L. 1996-23, §7.]

§408. Uniformity of Interpretation.

This Chapter shall be so construed as to effectuate its general purpose to make uniform the law of those jurisdictions which enact it. [P.L. 1996-23, §8.]

§409. Exclusive Remedy.

This Chapter provides for the exclusive bases for the enforcement and recognition of foreign money-judgments. [P.L. 1996-23, §9.]