



CHESTER J. CULVER
GOVERNOR

OFFICE OF THE GOVERNOR

PATTY JUDGE
LT. GOVERNOR

March 19, 2010

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit:

Senate File 358, an Act relating to the recognition and enforcement of foreign-country money judgments and providing for the Act's applicability.

The above Senate File is hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Chester J. Culver", with a long horizontal flourish extending to the right.

Chester J. Culver
Governor

CJC:bdj

cc: Secretary of the Senate
Chief Clerk of the House





Senate File 358

AN ACT
RELATING TO THE RECOGNITION AND ENFORCEMENT OF FOREIGN-COUNTRY
MONEY JUDGMENTS AND PROVIDING FOR THE ACT'S APPLICABILITY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

UNIFORM FOREIGN-COUNTRY MONEY JUDGMENTS RECOGNITION ACT

Section 1. NEW SECTION. 626B.101 Short title.

This chapter may be cited as the "*Uniform Foreign-Country Money Judgments Recognition Act*".

Sec. 2. NEW SECTION. 626B.102 Definitions.

As used in this chapter:

1. "*Foreign country*" means a government other than any of the following:

a. The United States.

b. A state, district, commonwealth, territory, or insular possession of the United States.

c. Any other government with regard to which the decision in this state as to whether to recognize a judgment of that government's courts is initially subject to determination under the full faith and credit clause of Article IV, section 1, of the Constitution of the United States.

d. Any Indian or Alaska native tribe, band, nation, pueblo, village, or community that the United States secretary of the interior recognizes as an Indian tribe.

2. "*Foreign-country judgment*" means a judgment of a court of a foreign country.

Sec. 3. NEW SECTION. 626B.103 Applicability.

1. Except as otherwise provided in subsection 2, this chapter applies to a foreign-country judgment to the extent that all of the following apply to the judgment:

- a. It grants or denies recovery of a sum of money.
- b. Under the law of the foreign country where rendered, it is final, conclusive, and enforceable.

2. This chapter does not apply to a foreign-country judgment, even if the judgment grants or denies recovery of a sum of money, to the extent that the judgment is any of the following:

- a. A judgment for taxes.
- b. A fine or other penalty.
- c. A judgment for divorce, support, or maintenance, or other judgment rendered in connection with domestic relations.

3. A party seeking recognition of a foreign-country judgment has the burden of establishing that this chapter applies to the foreign-country judgment.

Sec. 4. NEW SECTION. 626B.104 Standards for recognition of foreign-country judgment.

1. Except as otherwise provided in subsections 2 and 3, a court of this state shall recognize a foreign-country judgment to which this chapter applies.

2. A court of this state shall not recognize a foreign-country judgment if any of the following applies:

- a. The judgment was rendered under a judicial system that 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.
- c. The foreign court did not have jurisdiction over the subject matter.

3. A court of this state need not recognize a foreign-country judgment if any of the following apply:

- a. The defendant in the proceeding in the foreign court did not receive notice of the proceeding in sufficient time to enable the defendant to defend.
- b. The judgment was obtained by fraud that deprived the losing party of an adequate opportunity to present its case.
- c. The judgment or the cause of action on which the judgment is based is repugnant to the public policy of this state or of the United States.
- 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 determined otherwise than by proceedings in

that foreign court.

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.

g. The judgment was rendered in circumstances that raise substantial doubt about the integrity of the rendering court with respect to the judgment.

h. The specific proceeding in the foreign court leading to the judgment was not compatible with the requirements of due process of law.

4. A party resisting recognition of a foreign-country judgment has the burden of establishing that a ground for nonrecognition stated in subsection 2 or 3 exists.

Sec. 5. NEW SECTION. 626B.105 Personal jurisdiction.

1. A foreign-country judgment shall not be refused recognition for lack of personal jurisdiction if any of the following apply:

a. The defendant was served with process personally in the foreign country.

b. The defendant voluntarily appeared in the proceeding, other than for the purpose of protecting property seized or threatened with seizure in the proceeding or of contesting the jurisdiction of the court over the defendant.

c. The defendant, before the commencement of the proceeding, 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 country when the proceeding was instituted or was a corporation or other form of business organization that had its principal place of business in, or was organized under the laws of, the foreign country.

e. The defendant had a business office in the foreign country 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 country.

f. The defendant operated a motor vehicle or airplane in the foreign country and the proceeding involved a cause of action arising out of that operation.

2. The list of bases for personal jurisdiction in subsection 1 is not exclusive. The courts of this state may recognize bases of personal jurisdiction other than those listed in subsection 1 as sufficient to support a foreign-country judgment.

Sec. 6. NEW SECTION. 626B.106 Procedure for recognition of foreign-country judgment.

1. If recognition of a foreign-country judgment is sought as an original matter, the issue of recognition shall be raised by filing an action seeking recognition of the foreign-country judgment.

2. If recognition of a foreign-country judgment is sought in a pending action, the issue of recognition may be raised by counterclaim, cross-claim, or affirmative defense.

Sec. 7. NEW SECTION. 626B.107 Effect of recognition of foreign-country judgment.

If the court in a proceeding under section 626B.106 finds that the foreign-country judgment is entitled to recognition under this chapter then, to the extent that the foreign-country judgment grants or denies recovery of a sum of money, the foreign-country judgment is all of the following:

1. Conclusive between the parties to the same extent as the judgment of a sister state entitled to full faith and credit in this state would be conclusive.

2. Enforceable in the same manner and to the same extent as a judgment rendered in this state.

Sec. 8. NEW SECTION. 626B.108 Stay of proceedings pending appeal of foreign-country judgment.

If a party establishes that an appeal from a foreign-country judgment is pending or will be taken, the court may stay any proceedings with regard to the foreign-country judgment until the appeal is concluded, the time for appeal expires, or the appellant has had sufficient time to prosecute the appeal and has failed to do so.

Sec. 9. NEW SECTION. 626B.109 Statute of limitations.

An action to recognize a foreign-country judgment must be commenced within the earlier of the time during which the foreign-country judgment is effective in the foreign country or fifteen years from the date that the foreign-country judgment became effective in the foreign country.

Sec. 10. NEW SECTION. 626B.110 Uniformity of interpretation.

In applying and construing this chapter, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact the "*Uniform Foreign-Country Money Judgments Recognition Act*".

Sec. 11. NEW SECTION. 626B.111 Saving clause.

This chapter does not prevent the recognition under

principles of comity or otherwise of a foreign-country judgment not within the scope of this chapter.

Sec. 12. APPLICABILITY TO ACTIONS COMMENCED ON OR AFTER THE EFFECTIVE DATE OF THIS ACT. This Act applies to all actions commenced on or after the effective date of this Act in which the issue of recognition of a foreign-country judgment is raised.

DIVISION II
CONFORMING PROVISIONS

Sec. 13. Section 624.24, Code 2009, is amended to read as follows:

624.24 When judgment lien attaches.

When the real estate lies in the county wherein the judgment of the district court of this state or of the circuit or district courts of the United States was entered in the judgment docket and lien index kept by the clerk of the court having jurisdiction, the lien shall attach from the date of such entry of judgment, but if in another it will not attach until an attested copy of the judgment is filed in the office of the clerk of the district court of the county in which the real estate lies except for a foreign judgment pursuant to chapter 626A, and foreign-country money judgment pursuant to chapter 626B, and or tribal judgments as defined in section 626D.2 court judgment pursuant to chapter 626D, which shall not attach until an appeal is proceedings to challenge such judgment as authorized by its chapter have been concluded, and the time for the appeal has expired, or the stay of execution has expired or was vacated pursuant to section 626A.4, 626B.3, 626B.5, or 626D.7 district court finds that any such judgment is entitled to recognition. In such cases, the lien shall attach on the date the clerk of court files an attested copy of the judgment in the office of the clerk of the district court of the county in which the real estate lies ~~in any of the following circumstances:~~

~~1. The foreign or tribal judgment has not been appealed and the time for filing an appeal has expired.~~

~~2. The foreign or tribal judgment has been appealed and the judgment has been affirmed on appeal and is not subject to further appeal.~~

~~3. An appeal from a foreign or tribal judgment has been filed and a stay from such judgment has not been granted by the district court to the appealing party.~~

DIVISION III

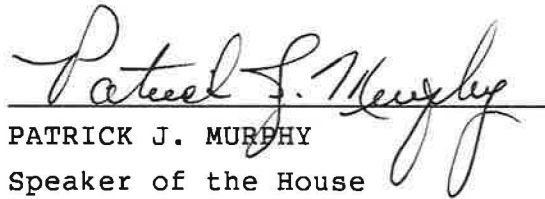
REPEALS

Sec. 14. Sections 626B.1, 626B.2, 626B.3, 626B.4, 626B.5, 626B.6, 626B.7, and 626B.8, Code 2009, are repealed.



JOHN P. KIBBIE

President of the Senate



PATRICK J. MURPHY

Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 358, Eighty-third General Assembly.



MICHAEL E. MARSHALL

Secretary of the Senate

Approved March 19th, 2010



CHESTER J. CULVER

Governor