



# LAWS OF ALASKA

1972

Source

HB 451

Chapter No.

68

## AN ACT

Relating to the Uniform Foreign Money-Judgments Recognition Act.

### BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

\* Section 1. AS 09.30 is amended by adding new sections to read:

#### ARTICLE 2. UNIFORM FOREIGN MONEY-JUDGMENTS RECOGNITION ACT.

Sec. 09.30.100. APPLICABILITY. Secs. 100 - 180 of this chapter apply to any foreign judgment that is final and conclusive and enforceable where rendered even though an appeal is pending or it is subject to appeal.

Sec. 09.30.110. RECOGNITION AND ENFORCEMENT. Except as provided in sec. 120 of this chapter, a foreign judgment meeting the requirements of sec. 100 of this chapter is conclusive between the parties to the extent that it grants or denies recovery of a sum of money. The foreign judgment is enforceable in the same manner as the judgment of a sister state which is entitled to full faith and credit.

Sec. 09.30.120. GROUNDS FOR NONRECOGNITION. (a) A foreign judgment is not conclusive if

- (1) the judgment was rendered under a system which does not provide impartial tribunals or procedures compatible with the requirements of due process of law;
- (2) the foreign court did not have personal jurisdiction over the defendant; or
- (3) the foreign court did not have jurisdiction

over the subject matter.

(b) A foreign judgment need not be recognized if

(1) the defendant in the proceedings in the foreign court did not receive notice of the proceedings in sufficient time to enable him to defend;

(2) the judgment was obtained by fraud;

(3) the cause of action on which the judgment is based is repugnant to the public policy of this state;

(4) the judgment conflicts with another final and conclusive judgment;

(5) 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 that court; or

(6) in the case of jurisdiction based only on personal service, the foreign court was a seriously inconvenient forum for the trial of the action.

Sec. 09.30.130. PERSONAL JURISDICTION. (a) The foreign judgment shall not be refused recognition for lack of personal jurisdiction if

(1) the defendant was served personally in the foreign state;

(2) the defendant voluntarily appeared in the proceedings, other than for the purpose of protecting property seized or threatened with seizure in the proceedings or of contesting the jurisdiction of the court over him;

(3) the defendant, before the commencement of the proceedings, had agreed to submit to the jurisdiction of the foreign court with respect to the subject matter involved;

(4) 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;

(5) the defendant had a business office in the foreign state and the proceedings 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

(6) the defendant operated a motor vehicle or airplane in the foreign state and the proceedings involved a cause of action arising out of that operation.

(b) The courts of this state may recognize other bases of jurisdiction.

Sec. 09.30.140. 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 the 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.

Sec. 09.30.150. SAVING CLAUSE. Secs. 100 - 180 of this chapter do not prevent the recognition of a foreign judgment in situations not covered by secs. 100 - 180 of this chapter.

Sec. 09.30.160. CONSTRUCTION. Secs. 100 - 180 of this chapter shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact the Uniform Foreign Money-Judgments Recognition Act.

Sec. 09.30.170. DEFINITIONS. In secs. 100 - 180 of this chapter

(1) "foreign state" means a governmental unit other than the United States, or a state, district, commonwealth, territory, insular possession thereof, or the Panama Canal Zone, the Trust Territory of the Pacific Islands, or the Ryukyu Islands;

(2) "foreign judgment" means a judgment of a foreign state 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 or family matters.

Sec. 09.30.180. SHORT TITLE. Secs. 100 - 180 of this chapter may be cited as the Uniform Foreign Money-Judgments Recognition Act.