

Enforcing a judgment across state lines

A general guide to the enforcement of judgments across state lines

*This publication discusses general guidelines regarding the enforcement of a judgment in a state other than the state where the judgment was originally obtained; what is commonly referred to as a Foreign Judgment.**

Why seek enforcement of a judgment in another state

There are two reasons why a creditor may seek to enforce a judgment in a state other than the state where the judgment was originally obtained:

- The judgment debtor has moved to another state, and there are no assets available to satisfy the judgment in the original judgment state.
- The debtor may not have moved, but it is learned there are assets available to satisfy the judgment in another state.

Under the United States Constitution, a judgment obtained in one state is to be given full faith and credit in other states of the United States. Article 4, Section 1 of the Constitution states:

"...full faith and credit shall be given in each State of the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe that manner in which such acts, records, and proceedings shall be proved, and the effect thereof."

However, this does not mean that a judgment of one state can automatically be enforced in another state.

Enforcement of Judgments Across State Lines

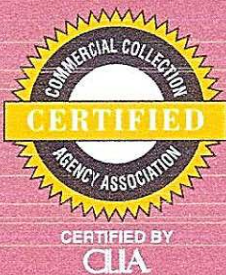
Generally, judgments across state lines can be enforced in one of two ways:

1. A new law suit may be filed based on the judgment.
2. Alternatively, in those states that have adopted the **Uniform Enforcement of Foreign Judgments Act** (the Act), a foreign judgment (defined as a judgment of any state or federal court) may be registered by filing an exemplified copy of the foreign judgment with the appropriate office of the Court and notifying the debtor of the filing.

An exemplified judgment is a copy of the judgment to which a certificate has been attached and signed in three places, once by the judge and twice by the clerk, attesting to the authenticity and validity of the judgment. It is frequently called a judgment that has been authenticated pursuant to an Act of Congress. The Act sets forth the technical procedure that must be followed to register the judgment.

A judgment that has been registered is viewed as a judgment issued out of the Court in which the foreign judgment was filed and all local enforcement procedures would be available to the creditor. **A word of caution—the Act is not uniform in all states.** Some states, such as New York and Connecticut, **will not** allow the registration of a default judgment in which case a new law suit must be filed to enforce the judgment.

*The information provided in this publication is intended as a general guide only. The Commercial Law League of America (CLLA) does not make any representation as to the accuracy of the publication's content. Any person who seeks to initiate enforcement action across state lines (a "foreign judgment") should consult legal counsel for full details on the law of a particular state.



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Federal Court Judgments

A judgment entered in a United States Federal Court may be enforced in a State Court the same as any other sister state judgment. In addition, it may be registered and enforced in any other Federal District. The procedure to register a federal judgment in another Federal District requires that the Clerk of the Court complete a Court form entitled: "Certification of Judgment for Registration in Another District" to which the Clerk of the Court will attach a certified copy of the judgment. This is then filed in the Federal District Court where the creditor seeks to enforce the judgment. The filing fee is minimal and no notice of the filing is required to be given to the judgment debtor.

Upon filing, the judgment becomes a judgment of that District and the creditor can immediately seek to enforce the judgment. Federal Court judgments are enforced in accordance with the legal procedures authorized by the laws of the state where the Federal District Court is located.

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State Adoption of the Uniform Enforcement of Foreign Judgments Act

The following is a list of those states that have adopted the Uniform Enforcement of Foreign Judgments Act:

Alabama	Illinois	Nevada	South Dakota
Alaska	Iowa	New Mexico	Tennessee
Arizona	Kansas	New York	Texas
Arkansas	Kentucky	North Carolina	Utah
Colorado	Louisiana	North Dakota	Virginia
Connecticut	Maine	Ohio	Virgin Islands
Delaware	Maryland	Oklahoma	Washington
Florida	Minnesota	Oregon	West Virginia
Georgia	Mississippi	Pennsylvania	Wisconsin
Hawaii	Missouri	Rhode Island	Wyoming
Idaho	Montana		

Special Note—The Uniform Enforcement of Foreign Judgments Act does not apply to judgments of foreign countries. A court of the United States will enforce a judgment of a foreign country based upon either treaty or comity. The United States and some countries have entered into a treaty for the enforcement of judgments. Comity is simply the idea that if a country enforces a judgment of the United States, the Courts of the United States will reciprocate.