Chapter 24

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Enforcement and Recognition of Foreign Judgments; Foreign-Money Claims

UNIFORM ENFORCEMENT OF FOREIGN JUDGMENTS ACT

24.105 Definitions for ORS 24.105 to 24.125, 24.135 and 24.155 to 24.175
24.115 Filing of foreign judgment; effect
24.125 Notice of filing of judgment; delay in enforcement
24.129 Certification of filing in single court; filing of certified copy or lien record abstract for other counties
24.135 Grounds for staying enforcement of judgment; security for satisfaction of judgment
24.140 Interest and costs
24.150 Satisfaction of judgment; filing
24.155 Optional procedure
24.165 Construction of ORS 24.105 to 24.125, 24.135 and 24.155 to 24.175
24.175 Short title

FOREIGN RESTRAINING ORDERS

24.190 Foreign restraining orders

UNIFORM FOREIGN-MONEY CLAIMS ACT

24.260 Definitions for ORS 24.260 to 24.335
24.265 Scope of application of ORS 24.260 to 24.335
24.270 Variation of application by agreement
24.275 Determining proper money of the claim
24.280 Determining amount of money of certain contract claims
24.285 Asserting and defending foreign-money claim
24.290 Judgments and awards on foreign-money claims; times of money conversion; form of judgment; post-judgment enforcement
24.295 Conversions of foreign money in distribution proceeding
24.300 Prejudgment and judgment interest
24.305 Enforcement of foreign judgments
24.310 Determining United States dollar value of foreign-money claims for limited purposes
24.315 Effect of currency substitution
24.320 Supplementary general principles of law
24.325 Uniformity of application and construction
24.330 Severability
24.335 Short title

UNIFORM FOREIGN-COUNTRY MONEY JUDGMENTS RECOGNITION ACT

24.350 Definitions for ORS 24.350 to 24.400
24.355 Applicability to judgments
24.360 Standards for recognition of foreign-country judgment
24.365 Personal jurisdiction
24.370 Procedure for recognition of foreign-country judgment
24.375 Effect of recognition of foreign-country judgment
24.380 Stay of proceedings pending appeal of foreign-country judgment
24.385 Statute of limitations
24.390 Uniformity of interpretation
24.395 Saving clause
24.400 Short title

24.010 [1955 c.647 §1; repealed by 1979 c.577 §8]
24.020 [1955 c.647 §2; repealed by 1979 c.577 §8]
24.030 [1955 c.647 §3; repealed by 1979 c.577 §8]
24.040 [1955 c.647 §4; repealed by 1979 c.577 §8]
24.050 [1955 c.647 §5; repealed by 1979 c.577 §8]
24.060 [1955 c.647 §6; repealed by 1979 c.577 §8]
24.070 [1955 c.647 §7; repealed by 1979 c.577 §8]
24.080 [1955 c.647 §8; repealed by 1979 c.577 §8]
24.090 [1955 c.647 §9; repealed by 1979 c.577 §8]
24.100 [1955 c.647 §10; repealed by 1979 c.577 §8]

UNIFORM ENFORCEMENT OF FOREIGN JUDGMENTS ACT

24.105 Definitions for ORS 24.105 to 24.125, 24.135 and 24.155 to 24.175. In ORS 24.105 to 24.125, 24.135 and 24.155 to 24.175 "foreign judgment" means any judgment, decree or order of a court of the United States or of any other court which is entitled to full faith and credit in this state. [1979 c.577 §1]

24.110 [1955 c.647 §11; repealed by 1979 c.577 §8]

24.115 Filing of foreign judgment; effect. (1) A copy of any foreign judgment authenticated in accordance with the Act of Congress or the statutes of this state may be filed in the office of the clerk of any circuit court of any county of this state. The clerk shall treat the foreign judgment in the same manner as a judgment of the circuit court.

(2) A certified copy of any foreign judgment authenticated in accordance with the Act of Congress or the statutes of this state shall be recorded in the County Clerk Lien Record of any county other than the county in which the judgment is originally filed, in order to become a lien upon the real property of the judgment debtor in that county as provided in ORS 18.152.

(3) A judgment so filed has the same effect and is subject to the same procedures, defenses and proceedings for reopening, vacating or staying as a judgment of the circuit court in which the foreign judgment is filed, and may be enforced or satisfied in like manner.

(4) A foreign judgment of a tribal court of a federally recognized Indian tribe that is filed in a circuit court under this section, and that otherwise complies with 26 U.S.C. 414(p) as a domestic relations order as defined in 26 U.S.C. 414(p), is a domestic relations order made pursuant to the domestic relations laws of this state for the purposes of 26 U.S.C. 414(p). [1979 c.577 §2; 1985 c.343 §5; 1987 c.586 §14; 1995 c.273 §13; 2003 c.576 §180; 2007 c.663 §1]

24.120 [1955 c.647 §12; repealed by 1979 c.577 §8]

24.125 Notice of filing of judgment; delay in enforcement. (1) At the time of the filing of the foreign judgment, the judgment creditor or the creditor's lawyer shall make and file with the clerk of the court an affidavit setting forth the names and last-known post-office addresses of the judgment debtor and the judgment creditor, together with a separate statement containing the information required to be contained in a judgment under ORS 18.042.

(2) Promptly after filing the foreign judgment and the affidavit, the judgment creditor must mail notice of the filing of the foreign judgment to the judgment debtor. The notice shall include the name and post-office address of the judgment creditor and the judgment creditor's lawyer, if any, in this state. The judgment creditor must file with the court proof of mailing the notice.

(3) No execution or other process for enforcement of a foreign judgment filed pursuant to ORS 24.105 to 24.125, 24.135 and 24.155 to 24.175, except a judgment, decree or order of a court of the United States, shall issue until five days after the date the judgment, affidavit and separate statement required in subsection (1) of this section are filed. [1979 c.577 §3; 1985 c.343 §6; 1987 c.873 §25; 1989 c.768 §8; 1997 c.872 §7; 2003 c.576 §168]

24.129 Certification of filing in single court; filing of certified copy or lien record abstract for other counties. At the time of filing of any foreign judgment as provided in ORS 24.115, the judgment creditor shall certify that the judgment creditor is filing such judgment in only one court in Oregon. Thereafter, a certified copy of the judgment or a lien record abstract may be recorded in the County Clerk Lien Record of any other county in this state as provided in ORS 18.152. [1985 c.343 §9; 1987 c.586 §15; 2003 c.576 §574]

24.130 [1955 c.647 §13; repealed by 1979 c.577 §8]

24.135 Grounds for staying enforcement of judgment; security for satisfaction of judgment. (1) If the judgment debtor shows the court of any county that an appeal from the foreign judgment is pending or will be taken, or that a stay of execution has been granted, the court shall stay enforcement of the foreign judgment until the appeal is concluded, the time for appeal expires, or the stay of execution expires or is vacated, upon proof that the judgment debtor has furnished the security for the satisfaction of the judgment required by the state in which it was rendered.

(2) If the judgment debtor shows the court of any county any ground upon which enforcement of a judgment of any court of any county of this state would be stayed, the court shall stay enforcement of the foreign judgment for an appropriate period, upon requiring the same security for satisfaction of the judgment which is required in this state. [1979 c.577 §4]

24.140 Interest and costs. When a registered foreign judgment becomes a final judgment of this state, the court shall include as part of the judgment interest payable on the foreign judgment under the law of the state in which it was rendered, and the cost of obtaining the authenticated copy of the original judgment. The court shall include as part of its judgment court costs incidental to the proceeding in accordance with the law of this state and the costs of recording documents as permitted by statute. [1955 c.647 §14; 1987 c.586 §16]

24.150 Satisfaction of judgment; filing. Satisfaction, either partial or complete, of the original judgment or of a judgment entered thereupon in any other state shall operate to the same extent as satisfaction of the judgment in this state, except as to costs authorized by ORS 24.140. When such judgment in this state has been satisfied, including costs authorized by ORS 24.140, it shall be the responsibility of the judgment creditor to provide an executed satisfaction to this judgment debtor. The judgment debtor may file the satisfaction in the records of the court in which the judgment was originally filed in this state, and may record the satisfaction in every county in this state in which a certified copy of the judgment or a lien record abstract has been recorded. [1955 c.647 §15; 1985 c.343 §7; 1987 c.586 §17]

24.155 Optional procedure. The right of a judgment creditor to bring an action to enforce the judgment instead of proceeding under ORS 24.105 to 24.125, 24.135 and 24.155 to 24.175 remains unimpaired. [1979 c.577 §5]

24.160 [1955 c.647 §16; repealed by 1979 c.577 §8]

24.165 Construction of ORS 24.105 to 24.125, 24.135 and 24.155 to 24.175. ORS 24.105 to 24.125, 24.135 and 24.155 to 24.175 shall be interpreted and construed in order to effectuate its general purpose to make uniform the law of those states which enact it. [1979 c.577 §6]

24.170 [1955 c.647 §17; repealed by 1979 c.577 §8]

24.175 Short title. ORS 24.105 to 24.125, 24.135 and 24.155 to 24.175 may be cited as the Uniform Enforcement of Foreign Judgments Act. [1979 c.577 §7]

24.180 [1955 c.647 §18; repealed by 1979 c.577 §8]

24.185 [1991 c.222 §1; 1993 c.188 §9; 1997 c.863 §1; repealed by 1999 c.250 §5]

FOREIGN RESTRAINING ORDERS

24.190 Foreign restraining orders. (1) For the purposes of this section:

(a) "Foreign restraining order" means a restraining order that is a foreign judgment as defined by ORS 24.105.

(b)(A) "Restraining order" means an injunction or other order issued for the purpose of preventing:

(i) Violent or threatening acts or harassment against another person;

(ii) Contact or communication with another person; or

(iii) Physical proximity to another person.

(B) "Restraining order" includes temporary and final orders, other than support or child custody orders, issued by a civil or criminal court regardless of whether the order was obtained by filing an independent action or as a pendente lite order in another proceeding. However, for a civil order to be considered a restraining order, the civil order must have been issued in response to a complaint, petition or motion filed by or on behalf of a person seeking protection.

(2)(a) Except as otherwise provided in paragraph (b) of this subsection, immediately upon the arrival in this state of a person protected by a foreign restraining order, the foreign restraining order is enforceable as an Oregon order without the necessity of filing and continues to be enforceable as an Oregon order without any further action by the protected person.

(b) A foreign restraining order is not enforceable as an Oregon order if:

(A) The person restrained by the order shows that:

(i) The court that issued the order lacked jurisdiction over the subject matter or lacked personal jurisdiction over the person restrained by the order; or

(ii) The person restrained by the order was not given reasonable notice and an opportunity to be heard under the law of the jurisdiction in which the order was issued; or

(B) The foreign restraining order was issued against a person who had petitioned for a restraining order unless:

(i) The person protected by the foreign restraining order filed a separate petition seeking the restraining order; and

(ii) The court issuing the foreign restraining order made specific findings that the person was entitled to the order.

(3)(a) A person protected by a foreign restraining order may present a true copy of the order to a county sheriff for entry into the Law Enforcement Data System maintained by the Department of State Police. Subject to paragraph (b) of this subsection, the county sheriff shall enter the order into the Law Enforcement Data System if the person certifies that the order is the most

recent order in effect between the parties and provides proof of service or other written certification that the person restrained by the order has been personally served with a copy of the order or has actual notice of the order. Entry into the Law Enforcement Data System constitutes notice to all law enforcement agencies of the existence of the restraining order. Law enforcement agencies shall establish procedures adequate to ensure that an officer at the scene of an alleged violation of the order may be informed of the existence and terms of the order. The order is fully enforceable as an Oregon order in any county or tribal land in this state.

(b) The Department of State Police shall specify information that is required for a foreign restraining order to be entered into the Law Enforcement Data System.

(c) At the time a county sheriff enters an order into the Law Enforcement Data System under paragraph (a) of this subsection, the sheriff shall also enter the order into the databases of the National Crime Information Center of the United States Department of Justice.

(4) Pending a contempt hearing for alleged violation of a foreign restraining order, a person arrested and taken into custody pursuant to ORS 133.310 may be released as provided in ORS 135.230 to 135.290. Unless the order provides otherwise, the security amount for release is $5,000.

(5) ORS 24.115, 24.125, 24.129, 24.135, 24.140, 24.150 and 24.155 do not apply to a foreign restraining order.

(6) A person protected by a foreign restraining order may file a certified copy of the order and proof of service in the office of the clerk of any circuit court of any county of this state. A judgment so filed has the same effect and is subject to the same procedures, defenses and proceedings for reopening, vacating or staying as a judgment of the circuit court in which the foreign judgment is filed, and may be enforced or satisfied in like manner. The filing fee provided for in ORS 21.325 (3) shall not apply to a filing under this section. [1999 c.250 §1; 2003 c.737 §§74,75]

24.200 [1977 c.61 §1; 1991 c.67 §3; repealed by 2009 c.48 §14]

24.210 [1977 c.61 §7; repealed by 2009 c.48 §14]

24.220 [1977 c.61 §§2,3,4; 2003 c.281 §2; repealed by 2009 c.48 §14]

24.230 [1977 c.61 §6; repealed by 2009 c.48 §14]

24.240 [1977 c.61 §5; repealed by 2009 c.48 §14]

24.250 [1977 c.61 §8; repealed by 2009 c.48 §14]

24.255 [1977 c.61 §9; repealed by 2009 c.48 §14]

UNIFORM FOREIGN-MONEY CLAIMS ACT

24.260 Definitions for ORS 24.260 to 24.335. For the purposes of ORS 24.260 to 24.335:

(1) "Action" means a judicial proceeding or arbitration in which a payment in money may be awarded or enforced with respect to a foreign-money claim.

(2) "Bank-offered spot rate" means the spot rate of exchange at which a bank will sell foreign money at a spot rate.

(3) "Conversion date" means the banking day next preceding the date on which money, in accordance with ORS 24.260 to 24.335, is:

(a) Paid to a claimant in an action or distribution proceeding;

(b) Paid to the official designated by law to enforce a judgment or award on behalf of a claimant; or

(c) Used to recoup, setoff or counterclaim in different moneys in an action or distribution proceeding.

(4) "Distribution proceeding" means a judicial or nonjudicial proceeding for the distribution of a fund in which one or more foreign-money claims is asserted and includes an accounting, an assignment for the benefit of creditors, a foreclosure, the liquidation or rehabilitation of a corporation or other entity, and the distribution of an estate, trust or other fund.

(5) "Foreign money" means money other than money of the United States of America.

(6) "Foreign-money claim" means a claim upon an obligation to pay, or a claim for recovery of a loss, expressed in or measured by a foreign money.

(7) "Money" means a medium of exchange for the payment of obligations or a store of value authorized or adopted by a government or by intergovernmental agreement.

(8) "Money of the claim" means the money determined as proper pursuant to ORS 24.275.

(9) "Person" means an individual, a corporation, government or governmental subdivision or agency, business trust, joint venture, partnership, association, two or more persons having a joint or common interest or any other legal or commercial entity.

(10) "Rate of exchange" means the rate at which money of one country may be converted into money of another country in a free financial market convenient to or reasonably usable by a person obligated to pay or to state a rate of conversion. If separate rates of exchange apply to different kinds of

transactions, the term means the rate applicable to the particular transaction giving rise to the foreign-money claim.

(11) "Spot rate" means the rate of exchange at which foreign money is sold by a bank or other dealer in foreign exchange for immediate or next day availability or for settlement by immediate payment in cash or equivalent, by charge to an account, or by an agreed delayed settlement not exceeding two days.

(12) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a territory or insular possession subject to the jurisdiction of the United States. [1991 c.202 §2; 2009 c.294 §1]

24.265 Scope of application of ORS 24.260 to 24.335. (1) ORS 24.260 to 24.335 apply only to a foreign-money claim in an action or distribution proceeding.

(2) ORS 24.260 to 24.335 apply to foreign-money issues even if other law under the conflict of laws rules of this state applies to other issues in the action or distribution proceeding. [1991 c.202 §3]

24.270 Variation of application by agreement. (1) The effect of ORS 24.260 to 24.335 may be varied by agreement of the parties made before or after commencement of an action or distribution proceeding or the entry of judgment. The right of the parties to vary the effect of ORS 24.260 to 24.335 includes, but is not limited to, the selection of the date and time for conversion or of a specified rate of exchange to be applied to a particular transaction or a portion thereof and, after the entry of judgment, any agreement as to how the judgment is to be satisfied.

(2) Parties to a transaction may agree upon the money to be used in a transaction giving rise to a foreign-money claim and may agree to use different moneys for different aspects of the transaction. Stating the price in a foreign money for one aspect of a transaction does not alone require the use of that money for other aspects of the transaction. [1991 c.202 §4]

24.275 Determining proper money of the claim. (1) The money in which the parties to a transaction have agreed that payment is to be made is the proper money of the claim for payment.

(2) If the parties to a transaction have not otherwise agreed, the money of the claim, as in each case may be appropriate, is the money:

(a) Regularly used between the parties as a matter of usage or course of dealing;

(b) Used at the time of a transaction in international trade, by trade usage or common practice, for valuing or settling transactions in the particular commodity or service involved; or

(c) In which the loss was ultimately felt or will be incurred by the party claimant. [1991 c.202 §5]

24.280 Determining amount of money of certain contract claims. (1) If an amount contracted to be paid in a foreign money is measured by a specified amount of a different money, the amount to be paid is determined on the conversion date.

(2) If an amount contracted to be paid in a foreign money is to be measured by a different money at the rate of exchange prevailing on a date before default, that rate of exchange applies only to payments made within a reasonable time after default, not exceeding 30 days. Thereafter, conversion is made at the bank-offered spot rate on the conversion date.

(3) A monetary claim is neither usurious nor unconscionable because the agreement on which it is based provides that the amount of the debtor's obligation to be paid in the debtor's money, when received by the creditor, must equal a specified amount of the foreign money of the country of the creditor. If, because of unexcused delay in payment of a judgment or award, the amount received by the creditor does not equal the amount of the foreign money specified in the agreement, the court or arbitrator shall, upon the motion of any party, amend the judgment or award accordingly. [1991 c.202 §6]

24.285 Asserting and defending foreign-money claim. (1) A person may assert a claim in a specified foreign money. If a foreign-money claim is not asserted, the claimant makes the claim in United States dollars.

(2) An opposing party may allege and prove that a claim, in whole or in part, is in a different money than that asserted by the claimant.

(3) A person may assert a defense, setoff, recoupment or counterclaim in any money without regard to the money of other claims.

(4) The determination of the proper money of the claim is a question of law. [1991 c.202 §7]

24.290 Judgments and awards on foreign-money claims; times of money conversion; form of judgment; post-judgment enforcement. (1) Except as provided in subsection (3) of this section, a judgment or award on a foreign-money claim must be stated in an amount of the money of the claim.

(2) A judgment or award on a foreign-money claim is payable in that foreign money

or, at the option of the debtor, in the amount of United States dollars which will purchase that foreign money on the conversion date at a bank-offered spot rate, except that any payment made through a court pursuant to ORS 18.235 must be made in United States dollars. When a payment is made to the court, the judgment debtor shall simultaneously file with the court an affidavit or certificate executed in good faith by its counsel or a bank officer stating the rate of exchange used and how it was obtained and setting forth the calculation and the amount of the money of the claim that will be satisfied by the payment. Affected court officials incur no liability, after a filing of the affidavit or certificate, for acting as if the judgment were in the amount of United States dollars stated in the affidavit or certificate.

(3) Assessed costs, disbursements and attorney fees must be entered in United States dollars.

(4) Each payment in United States dollars must be accepted and credited on a judgment or award on a foreign-money claim in the amount of the foreign money that could be purchased by the dollars at a bank-offered spot rate of exchange at or near the close of business on the conversion date for that payment.

(5) A judgment or award made in an action or distribution proceeding on both a defense, setoff, recoupment or counterclaim and the adverse party's claim, must be netted by converting the money of the smaller into the money of the larger, and by subtracting the smaller from the larger, and specify the rates of exchange used.

(6) A judgment or award substantially complies with subsection (1) of this section when it is plainly titled as a judgment, it complies with the requirements of ORS 18.038 and it includes all of the following:

(a) The names of the judgment creditor, the judgment creditor's attorney and the judgment debtor.

(b) The amount of the judgment in the foreign money of the claim, the type of foreign money and the foreign country, as defined in ORS 24.350, utilizing the money that the claim is denominated in.

(c) The interest owed to the date of the judgment, either as a specific amount in the foreign money or as accrual information, including the rate or rates of interest as determined by ORS 24.300, the balance or balances upon which the interest accrues, the date or dates from which interest at each rate on each balance runs, and whether interest is simple or compounded and, if compounded, at what intervals.

(d) Post-judgment interest accrual information, including the rate or rates of interest as determined by ORS 24.300, the balance or balances upon which interest accrues, the date or dates from which interest at each rate on each balance runs, and whether interest is simple or compounded and, if compounded, at what intervals.

(e) For judgments that accrued on a periodic basis, any accrued arrearages, required further payments per period in the foreign money and accrual dates.

(f) A statement that the judgment debtor has the option to pay the judgment or award, including the interest owed on the date of judgment and the post-judgment interest, unless the parties have agreed otherwise as according to ORS 24.270, in the amount of United States dollars that will purchase that foreign money on the conversion date at a bank-offered spot rate at or near the close of business on the banking day before the day of payment.

(g) A statement that, if the judgment debtor pays the judgment through a court under ORS 18.235, the payment must be in United States dollars as provided in subsection (2) of this section.

(h) The amount of assessed costs, disbursements and attorney fees in United States dollars, if they are awarded, and any specific amounts awarded. This paragraph does not require inclusion of specific amounts where such will be determined later under ORCP 68 C.

(i) The terms of any agreement made by the parties, before the entry of the judgment, to vary the effect of ORS 24.260 to 24.335.

(7) If a contract claim is of the type covered by ORS 24.280 (1) or (2), the judgment or award must be entered for the amount of money stated to measure the obligation to be paid in the money specified for payment or, at the option of the debtor, the number of United States dollars which will purchase the computed amount of the money of payment on the conversion date at a bank-offered spot rate.

(8) When a judgment is given on a foreign-money claim in circuit court, the clerk shall enter the judgment in the register and shall note that the judgment creates a judgment lien. The judgment shall have the same force and effect as any other judgment obtained in the circuit court.

(9) A judgment or award may be discharged by payment.

(10) A party seeking enforcement of a judgment entered as provided in this section shall file with each request or application an affidavit or certificate executed in good faith by its counsel or a bank officer, stating the

rate of exchange used and how it was obtained and setting forth the calculation and the amount of United States dollars that would satisfy the judgment on the date of the affidavit or certificate by applying said rate of exchange. Affected court officials incur no liability, after a filing of the affidavit or certificate, for acting as if the judgment were in the amount of United States dollars stated in the affidavit or certificate. The computation contained in the affidavit or certificate shall remain in effect for 60 days following the filing of the affidavit or certificate and may be recomputed before the expiration of 60 days by the filing of additional affidavits or certificates provided that recomputation shall not affect any payment obtained before the filing of the recomputation. [1991 c.202 §8; 1993 c.545 §114; 1995 c.658 §26; 2003 c.576 §181; 2009 c.48 §13]

24.295 Conversions of foreign money in distribution proceeding. The rate of exchange prevailing at or near the close of business on the day the distribution proceeding is initiated governs all exchanges of foreign money in a distribution proceeding. A foreign-money claimant in a distribution proceeding shall assert its claim in the named foreign money and show the amount of United States dollars resulting from a conversion as of the date the proceeding was initiated. [1991 c.202 §9]

24.300 Prejudgment and judgment interest. (1) With respect to a foreign-money claim, recovery of prejudgment or preaward interest and the rate of interest to be applied in the action or distribution proceeding, except as provided in subsection (2) of this section, are matters of the substantive law governing the right to recovery under the conflict of laws rules of this state.

(2) The court or arbitrator shall increase or decrease the amount of prejudgment or preaward interest otherwise payable in a judgment or award in foreign money to the extent required by the law of this state governing a failure to make or accept an offer of settlement or offer of judgment, or conduct by a party or its attorney causing undue delay or expense.

(3) A judgment or award on a foreign-money claim bears interest at the rate applicable to judgments of this state. [1991 c.202 §10]

24.305 Enforcement of foreign judgments. (1) If an action is brought to enforce a judgment of another jurisdiction expressed in a foreign money and the judgment is recognized in this state as enforceable, the enforcing judgment must be entered as provided in ORS 24.290, whether or not the foreign judgment confers an option to pay in an equivalent amount of United States dollars.

(2) A foreign judgment may be entered in the register in accordance with any rule or statute of this state providing a procedure for its recognition and enforcement.

(3) A satisfaction or partial payment made upon the foreign judgment, on proof thereof, shall operate to the same extent as a satisfaction of the judgment in this state, except as to costs authorized by ORS 24.140, notwithstanding the entry of judgment in this state.

(4) A judgment entered on a foreign-money claim only in United States dollars in another state must be enforced in this state in United States dollars only. [1991 c.202 §11; 2003 c.576 §182]

24.310 Determining United States dollar value of foreign-money claims for limited purposes. (1) Computations under this section are for the limited purposes of the section and do not affect computation of the United States dollar equivalent of the money of the judgment for the purpose of payment.

(2) For the limited purpose of facilitating the enforcement of provisional remedies in an action, the value in United States dollars of assets to be seized or restrained pursuant to a writ of attachment, garnishment, execution or other legal process, the amount of the United States dollars at issue for assessing costs or the amount of United States dollars involved for a surety bond or other court-required undertaking, must be ascertained as provided in subsections (3) and (4) of this section.

(3) A party seeking process, costs, bond or other undertaking under subsection (2) of this section shall compute in United States dollars the amount of the foreign money claimed from a bank-offered spot rate prevailing at or near the close of business on the banking day next preceding the filing of a request or application for the issuance of process or for the determination of costs, or an application for a bond or other court-required undertaking.

(4) A party seeking the process, costs, bond or other undertaking under subsection (2) of this section shall file with each request or application an affidavit or certificate executed in good faith by its counsel or a bank officer, stating the market quotation used and how it was obtained and setting forth the calculation. Affected court officials incur no liability, after a filing of the affidavit or certificate, for acting as if the judgment were in the amount of United States dollars stated in the affidavit or certificate. [1991 c.202 §12]

24.315 Effect of currency substitution. (1) If, after an obligation is expressed or a loss is incurred in a foreign money, the country issuing or adopting that money substitutes a new money in place of that money, the obligation or the loss is treated as if expressed or incurred in the new money at the rate of conversion the issuing country establishes for the payment of like obligations or losses denominated in the former money.

(2) If substitution under subsection (1) of this section occurs after a judgment or award is entered on a foreign-money claim, the court or arbitrator shall amend, upon the motion of any party, the judgment or award by a like conversion of the former money. [1991 c.202 §13]

24.320 Supplementary general principles of law. Unless displaced by particular provisions of ORS 24.260 to 24.335, the principles of law and equity, including the law merchant, and the law relative to capacity to contract, principal and agent, estoppel, fraud, misrepresentation, duress, coercion, mistake, bankruptcy or other validating or invalidating causes supplement its provisions. [1991 c.202 §14]

24.325 Uniformity of application and construction. ORS 24.260 to 24.335 shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of ORS 24.260 to 24.335 among states enacting it. [1991 c.202 §15]

24.330 Severability. If any provision of ORS 24.260 to 24.335 or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of ORS 24.260 to 24.335 which can be given effect without the invalid provision or application, and to this end the provisions of ORS 24.260 to 24.335 are severable. [1991 c.202 §17]

24.335 Short title. ORS 24.260 to 24.335 may be cited as the Uniform Foreign-Money Claims Act. [1991 c.202 §16]

UNIFORM FOREIGN-COUNTRY MONEY JUDGMENTS RECOGNITION ACT

24.350 Definitions for ORS 24.350 to 24.400. As used in ORS 24.350 to 24.400:

(1) "Foreign country" means a government other than:

(a) The United States;

(b) A state, district, commonwealth, territory or insular possession of the United States; or

(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 the United States Constitution.

(2) "Foreign-country judgment" means a judgment of a court of a foreign country. [2009 c.48 §1]

24.355 Applicability to judgments. (1) Except as provided in subsection (2) of this section, ORS 24.350 to 24.400 apply to a foreign-country judgment to the extent that the judgment:

(a) Grants or denies recovery of a sum of money; and

(b) Under the law of the foreign country where rendered, is final, conclusive and enforceable.

(2) ORS 24.350 to 24.400 do 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:

(a) A judgment for taxes;

(b) A fine or other penalty; or

(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 ORS 24.350 to 24.400 apply to the foreign-country judgment. [2009 c.48 §2]

Note: Section 12, chapter 48, Oregon Laws 2009, provides:

Sec. 12. Sections 1 to 11 of this 2009 Act [24.350 to 24.400] apply only to actions commenced on or after the effective date of this 2009 Act [January 1, 2010] in which the issue of recognition of a foreign-country judgment is raised. Any action commenced before the effective date of this 2009 Act in which the issue of recognition of a foreign-country judgment is raised shall continue to be governed by the provisions of ORS 24.200 to 24.255, as those statutes were in effect immediately before the effective date of this 2009 Act. [2009 c.48 §12]

24.360 Standards for recognition of foreign-country judgment. (1) Except as provided in subsections (2) and (3) of this section, a court of this state shall recognize a foreign-country judgment to which ORS 24.350 to 24.400 apply.

(2) A court of this state may not recognize a foreign-country judgment if:

(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; or

(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:

(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 the party's case;

(c) The judgment or the claim for relief 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 other 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; or

(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) of this section exists. [2009 c.48 §3]

24.365 Personal jurisdiction. (1) A foreign-country judgment may not be refused recognition for lack of personal jurisdiction if:

(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 for the purpose 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 claim for relief arising out of business done by the defendant through that office in the foreign country; or

(f) The defendant operated a motor vehicle or airplane in the foreign country and the proceeding involved a claim for relief arising out of that operation.

(2) The list of bases for personal jurisdiction in subsection (1) of this section is not exclusive. The courts of this state may recognize bases for personal jurisdiction other than those listed in subsection (1) of this section as sufficient to support a foreign-country judgment. [2009 c.48 §4]

24.370 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. [2009 c.48 §5]

24.375 Effect of recognition of foreign-country judgment. If the court in a proceeding under ORS 24.370 finds that the foreign-country judgment is entitled to recognition under ORS 24.350 to 24.400, then, to the extent that the foreign-country judgment grants or denies recovery of a sum of money, the foreign-country judgment is:

(1) Conclusive between the parties to the same extent as the judgment of another state entitled to full faith and credit in this state is conclusive; and

(2) Enforceable in the same manner and to the same extent as a judgment rendered in this state. [2009 c.48 §6]

24.380 Stay of proceedings pending appeal of foreign-country judgment. If a party establishes that an appeal from a foreign-country judgment is pending or that an appeal 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. [2009 c.48 §7]

24.385 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 15 years from the date that the foreign-country judgment became effective in the foreign country. [2009 c.48 §8]

24.390 Uniformity of interpretation. In applying and construing ORS 24.350 to 24.400, consideration must be given to the need to promote uniformity of the law with

respect to its subject matter among states that enact it. [2009 c.48 §9]

24.395 Saving clause. ORS 24.350 to 24.400 do not prevent the recognition under principles of comity or otherwise of a foreign-country judgment not within the scope of ORS 24.350 to 24.400. [2009 c.48 §10]

24.400 Short title. ORS 24.350 to 24.400 may be cited as the Uniform Foreign-Country Money Judgments Recognition Act. [2009 c.48 §11]