

EDDIE BAZA CALVO  
Governor

RAY TENORIO  
Lieutenant Governor

*Office of the Governor of Guam*

DEC 31 2014

33-15-0030

Office of the Speaker  
Judith T. Won Pat, Ed.D

Honorable Judith T. Won Pat, Ed.D.  
Speaker  
*I Mina'trentai Dos Na Liheslaturan Guåhan*  
155 Hesler Street  
Hagåtña, Guam 96910

Date: 1/6/15  
Time: 4:15 PM  
Received by: CARL SANCHEZ, MPA

Dear Madame Speaker:

Transmitted herewith is Bill No. 400-32 (COR) " AN ACT TO ADD NEW CHAPTERS 51 AND 52 TO TITLE 7 OF THE GUAM CODE ANNOTATED, RELATIVE TO ADOPTING THE UNIFORM OF FOREIGN JUDGMENTS ACT (UEFJA) AND THE UNIFORM FOREIGN MONEY JUDGMENTS RECOGNITION ACT (UFMJRA)" which I signed into law on December 29, 2014 as Public Law 32-215.

*Senseramente,*

  
EDDIE BAZA CALVO

2015 JAN - 6 PM 4: 33

0030

*I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN*  
2014 (SECOND) Regular Session

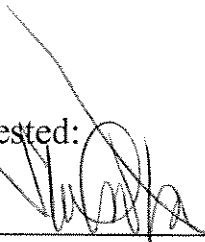
**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN**

This is to certify that Bill No. 400-32 (COR), "AN ACT TO ADD NEW CHAPTERS 51 AND 52 TO TITLE 7 OF THE GUAM CODE ANNOTATED, RELATIVE TO ADOPTING THE UNIFORM ENFORCEMENT OF FOREIGN JUDGMENTS ACT (UEFJA) AND THE UNIFORM FOREIGN MONEY JUDGMENTS RECOGNITION ACT (UFMJRA)," was on the 17<sup>th</sup> day of December, 2014, duly and regularly passed.



Judith T. Won Pat, Ed.D.  
Speaker

Attested:



Tina Rose Muña Barnes  
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 21 day of Dec,  
2014, at  
6:35 o'clock P.M.



Assistant Staff Officer  
*Maga'lahi's Office*

APPROVED:

  
EDWARD J.B. CALVO  
*I Maga'lahen Guåhan*

DEC 29 2014

Date: \_\_\_\_\_

Public Law No. 32-215

*I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN*  
2014 (SECOND) Regular Session

**Bill No. 400-32 (COR)**

Introduced by:

R. J. Respicio  
T. C. Ada  
V. Anthony Ada  
FRANK B. AGUON, JR.  
B. J.F. Cruz  
Chris M. Dueñas  
Michael T. Limtiaco  
Brant T. McCreddie  
Tommy Morrison  
T. R. Muña Barnes  
Dennis G. Rodriguez, Jr.  
Aline A. Yamashita, Ph.D.  
Judith T. Won Pat, Ed.D.

**AN ACT TO ADD NEW CHAPTERS 51 AND 52 TO  
TITLE 7 OF THE GUAM CODE ANNOTATED,  
RELATIVE TO ADOPTING THE UNIFORM  
ENFORCEMENT OF FOREIGN JUDGMENTS ACT  
(UEFJA) AND THE UNIFORM FOREIGN MONEY  
JUDGMENTS RECOGNITION ACT (UFMJRA).**

1        **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2        **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that to enforce a sister-state judgment in Guam, the judgment creditor must bring  
4 an action on the judgment; when a Guam judgment is obtained, the execution may  
5 issue. This manner of enforcing judgments of sister states requires all the normal  
6 trappings of an original action. The judgment creditor must file a complaint. There  
7 must be personal or quasi in rem jurisdiction. The creditor may obtain a writ of

1 attachment, if available, to preserve assets until such time as a writ of execution  
2 may be issued. A trial (however summary) must be held, at which time the  
3 judgment debtor may raise any defenses to the validity of the sister-state judgment.  
4 Only after the entry of the Guam judgment may the judgment creditor seek  
5 execution on the debtor's assets in Guam.

6 *I Liheslaturan Guåhan* finds that the formal, traditional process for  
7 enforcing sister-state judgments is time-consuming and inefficient. A simpler and  
8 more efficient procedure is offered by the revised Uniform Enforcement of Foreign  
9 Judgments Act (UEFJA) of 1964. Under the UEFJA, a sister-state judgment may  
10 be filed with the court in the state where enforcement is sought and is then treated  
11 as a judgment of that court. It provides a streamlined procedure to domesticate  
12 judgments rendered in other states or territories of the United States. It avoids the  
13 cost and delay that results from needing to bring a new lawsuit to enforce a sister-  
14 state judgment, and it relieves court congestion. It has been adopted by 47 states,  
15 the District of Columbia, and the CNMI.

16 *I Liheslaturan Guåhan* also finds that the Uniform Foreign Money  
17 Judgments Recognition Act (UFMJRA) simplifies international business by  
18 recognizing money judgments obtained in other nations. International law provides  
19 for recognition by foreign countries of judgments obtained in the adopting state.  
20 While all states are required to recognize foreign judgments as a matter of comity  
21 under certain circumstances under *Hilton v. Guyot*, 159 U.S. 113 (1895), most  
22 states have elected to adopt some version of the UFMJRA to provide uniformity  
23 and simplify the procedure. Moreover, because many civil law countries condition  
24 recognition of money judgments from foreign courts upon reciprocity, codification  
25 of the UFMJRA will make it more likely that judgments rendered in Guam will be  
26 recognized in foreign countries.

27 Therefore, it is the intent of *I Liheslaturan Guåhan* to adopt and enact the

1 UEFJA and the UFMJRA in Guam.

2 **Section 2.** A new Chapter 51 is hereby added to Title 7 of Guam Code  
3 Annotated to read:

4 **“CHAPTER 51**  
5 **THE UNIFORM ENFORCEMENT OF FOREIGN**  
6 **JUDGMENTS ACT OF 2014**

7 **§51101. Title.** This Act *shall* be known as the “*Uniform*  
8 *Enforcement of Foreign Judgments Act (UEFJA) of 2014.*”

9 **§51102. Purpose.** The purpose of this Act is to provide for a  
10 simpler and more efficient procedure to domesticate judgments rendered in  
11 other states or territories of the United States that result from needing to  
12 bring a new lawsuit to enforce a sister-state judgment.

13 **§51103. Definitions.** As used in this Act, unless the context  
14 otherwise requires, *foreign judgment* means any judgment, decree, or order  
15 of a court of the United States, or of any other court, which is entitled to full  
16 faith and credit in Guam.

17 **§51104. Filing and Status of Foreign Judgments.** A copy of  
18 any foreign judgment authenticated in accordance with an act of Congress or  
19 the statutes or court rules of Guam may be filed in the office of the Clerk of  
20 the Superior Court of Guam. The Clerk *shall* treat the foreign judgment in  
21 the same manner as a judgment of the Superior Court of Guam. A judgment  
22 so filed has the same effect and is subject to the same procedures, defenses,  
23 and proceedings for reopening, vacating, or staying as a judgment of the  
24 Superior Court of Guam, and may be enforced or satisfied in like manner.

25 **§51105. Notice of Filing.**

26 (a) At the time of the filing of the foreign judgment, the judgment  
27 creditor or the judgment creditor’s lawyer *shall* make and file with the Clerk

1 of Court an affidavit setting forth the name and last known post office  
2 address of the judgment debtor and the judgment creditor.

3 (b) Promptly upon the filing of the foreign judgment and the  
4 affidavit, the Clerk *shall* mail a notice of the filing of the foreign judgment  
5 to the judgment debtor at the address given, and *shall* make a note of the  
6 mailing in the docket. The notice *shall* include the name and post office  
7 address of the judgment creditor and the judgment creditor's lawyer, if any,  
8 in Guam. In addition, the judgment creditor may mail a notice of the filing  
9 of the judgment to the judgment debtor and may file proof of mailing with  
10 the Clerk. Lack of mailing notice of the filing by the Clerk *shall not* affect  
11 the enforcement proceedings if proof of mailing by the judgment creditor  
12 has been filed.

13 (c) No execution or other process for enforcement of a foreign  
14 judgment filed hereunder shall issue until thirty (30) days after the date the  
15 judgment is filed.

16 **§51106. Stay.**

17 (a) If the judgment debtor shows the Superior Court in which the  
18 judgment is filed that an appeal from the foreign judgment is pending or will  
19 be taken, or that a stay of execution has been granted, the Court shall stay  
20 enforcement of the foreign judgment until the appeal is concluded, the time  
21 for appeal expires, or the stay of execution expires or is vacated, upon proof  
22 that the judgment debtor has furnished the security for the satisfaction of the  
23 judgment required by the state or other jurisdiction in which it was rendered.

24 (b) If the judgment debtor shows the Superior Court in which the  
25 judgment is filed any ground upon which enforcement of a judgment of the  
26 Superior Court of Guam would be stayed, the Court *shall* stay enforcement

1 of the foreign judgment for an appropriate period, upon requiring the same  
2 security for satisfaction of the judgment which is required in Guam.

3 **§51107. Fees.** Any person filing a foreign judgment *shall* pay to  
4 the Clerk of Court a filing fee equal to that established by court rule for the  
5 filing of civil actions.

6 **§51108. Optional Procedure.** The right of a judgment creditor to  
7 bring an action to enforce his judgment instead of proceeding under this Act  
8 remains unimpaired.

9 **§51109. Uniformity of Interpretation.** This Act *shall* be so  
10 interpreted and construed as to effectuate its general purpose to make  
11 uniform the law of those states and other jurisdictions which enact it.”

12 **Section 3.** A new Chapter 52 is hereby *added* to Title 7 of the Guam Code  
13 Annotated to read:

14 **“CHAPTER 52**

15 **THE UNIFORM FOREIGN MONEY-JUDGMENTS**  
16 **RECOGNITION ACT OF 2014**

17 **§52101. Title.** This Chapter *shall* be known as the “Uniform  
18 Foreign Money-Judgments Recognition Act of 2014.”

19 **§52102. Definitions.** As used in this Chapter:

20 (a) *Foreign country* means a government other than:

21 (1) the United States;

22 (2) a state, district, commonwealth, territory, or insular  
23 possession of the United States; or

24 (3) any other government with regard to which the decision  
25 in this state as to whether to recognize a judgment of that  
26 government's courts is initially subject to determination under the Full  
27 Faith and Credit Clause of the United States Constitution.

1 (b) *Foreign-country judgment* means a judgment of a court of a  
2 foreign country.

3 **§52103. Applicability of Article.**

4 (a) *Except* as otherwise provided in Subsection (b), this Chapter  
5 applies to a foreign-country judgment to the extent that the judgment both:

- 6 (1) grants or denies recovery of a sum of money; and
- 7 (2) under the law of the foreign country where rendered, is  
8 final, conclusive, and enforceable.

9 (b) This Chapter *does not* apply to a foreign-country judgment,  
10 even if the judgment grants or denies recovery of a sum of money, to the  
11 extent that the judgment is:

- 12 (1) a judgment for taxes;
- 13 (2) a fine or other penalty; or
- 14 (3) a judgment for divorce, support, or maintenance, or other  
15 judgment rendered in connection with domestic relations.

16 (c) A party seeking recognition of a foreign-country judgment has  
17 the burden of establishing that this Chapter applies to the foreign-country  
18 judgment.

19 **§52104. Standards for Recognition of Foreign-Country**  
20 **Judgment.**

21 (a) *Except* as otherwise provided in Subsections (b) and (c), a  
22 court of Guam *shall* recognize a foreign-country judgment to which this  
23 Chapter applies.

24 (b) A court of Guam *shall not* recognize a foreign-country  
25 judgment if any of the following apply:



1 (1) the judgment was rendered under a judicial system that  
2 does not provide impartial tribunals or procedures compatible with the  
3 requirements of due process of law;

4 (2) the foreign court did not have personal jurisdiction over the  
5 defendant;

6 (3) the foreign court did not have jurisdiction over the subject  
7 matter.

8 (c) A court of Guam need not recognize a foreign-country  
9 judgment if any of the following apply:

10 (1) the defendant in the proceeding in the foreign court did  
11 not receive notice of the proceeding in sufficient time to enable the  
12 defendant to defend;

13 (2) the judgment was obtained by fraud that deprived the  
14 losing party of an adequate opportunity to present its case;

15 (3) the judgment or the cause of action or claim for relief on  
16 which the judgment is based is repugnant to the public policy of  
17 Guam or of the United States;

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

20 (5) the proceeding in the foreign court was contrary to an  
21 agreement between the parties under which the dispute in question  
22 was to be determined otherwise than by proceedings in that foreign  
23 court;

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

1 (7) the judgment was rendered in circumstances that raise  
2 substantial doubt about the integrity of the rendering court with  
3 respect to the judgment;

4 (8) the specific proceeding in the foreign court leading to the  
5 judgment was not compatible with the requirements of due process of  
6 law.

7 (d) A party resisting recognition of a foreign-country judgment has  
8 the burden of establishing that a ground for non-recognition stated in  
9 Subsection (b) or (c) exists.

10 **§52105. Personal Jurisdiction.**

11 (a) A foreign-country judgment *shall not* be refused recognition for  
12 lack of personal jurisdiction if any of the following apply:

13 (1) the defendant was served with process personally in the  
14 foreign country;

15 (2) the defendant voluntarily appeared in the proceeding,  
16 other than for the purpose of protecting property seized or threatened  
17 with seizure in the proceeding or of contesting the jurisdiction of the  
18 court over the defendant;

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

22 (4) the defendant was domiciled in the foreign country when  
23 the proceeding was instituted or was a corporation or other form of  
24 business organization that had its principal place of business in, or  
25 was organized under the laws of, the foreign country;

26 (5) the defendant had a business office in the foreign country  
27 and the proceeding in the foreign court involved a cause of action

1 arising out of business done by the defendant through that office in the  
2 foreign country; or

3 (6) the defendant operated a motor vehicle or airplane in the  
4 foreign country and the proceeding involved a cause of action arising  
5 out of that operation.

6 (b) The list of bases for personal jurisdiction in Subsection (a) is  
7 not exclusive. The courts of this state may recognize bases of personal  
8 jurisdiction other than those listed in Subsection (a) as sufficient to support a  
9 foreign-country judgment.

10 **§52106. Procedure for Raising Issue of Recognition of**  
11 **Foreign-Country Money Judgment.**

12 (a) If recognition of a foreign-country judgment is sought as an  
13 original matter, the issue of recognition *shall* be raised by filing an action  
14 seeking recognition of the foreign-country judgment.

15 (b) If recognition of a foreign-country judgment is sought in a  
16 pending action, the issue of recognition may be raised by counterclaim,  
17 cross-claim, or affirmative defense.

18 **§52107. Effect of Recognition of Foreign-Country Judgment.**

19 If the court in a proceeding under §52106 finds that the foreign-  
20 country judgment is entitled to recognition under this Chapter then, to the  
21 extent that the foreign-country judgment grants or denies recovery of a sum  
22 of money, the foreign-country judgment is:

23 (a) conclusive between the parties to the same extent as the  
24 judgment of a sister state entitled to full faith and credit in this state  
25 would be conclusive; and

26 (b) enforceable in the same manner and to the same extent as  
27 a judgment rendered in Guam.

1           **§52108. Stay of Proceedings Pending Appeal of Foreign-**  
2 **Country Judgment.**

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

8           **§52109. Statute of Limitations.**

9           An action to recognize a foreign-country judgment must be  
10 commenced within the earlier of the time during which the foreign-country  
11 judgment is effective in the foreign country or fifteen (15) years from the  
12 date that the foreign-country judgment became effective in the foreign  
13 country.

14           **§52110. Uniformity of Interpretation.**

15           In applying and construing this Chapter, consideration must be given  
16 to the need to promote uniformity of the law with respect to its subject  
17 matter among states that enact the “Uniform Foreign-Country Money  
18 Judgments Recognition Act.”

19           **§52111. Saving Clause.**

20           The Uniform Foreign-Country Money Judgments Recognition Act  
21 does not prevent the recognition under principles of comity or otherwise of a  
22 foreign-country judgment not within the scope of that Act.”