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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 2354

03/22/2021

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The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law

- 1.1

A bill for an act
- 1.2

relating to judgments; enacting the Uniform Registration of Canadian Money
- 1.3

Judgments Act adopted and recommended for passage by the National Conference
- 1.4

of Commissioners on Uniform State Laws; proposing coding for new law in
- 1.5

Minnesota Statutes, chapter 548.
- 1.6

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.7

Section 1. [548.64] SHORT TITLE.
- 1.8

Sections 548.64 to 548.74 may be cited as the "Uniform Registration of Canadian Money
- 1.9

Judgments Act."
- 1.10

Sec. 2. [548.65] DEFINITIONS.
- 1.11

In sections 548.64 to 548.74:
- 1.12

(1) "Canada" means the sovereign nation of Canada and its provinces and territories.
- 1.13

"Canadian" has a corresponding meaning.
- 1.14

(2) "Canadian judgment" means a judgment of a court of Canada, other than a judgment
- 1.15

that recognizes the judgment of another foreign country.
- 1.16

Sec. 3. [548.66] APPLICABILITY.
- 1.17

(a) Sections 548.64 to 548.74 apply to a Canadian judgment to the extent the judgment
- 1.18

is within the scope of sections 548.54 to 548.63, if recognition of the judgment is sought to
- 1.19

enforce the judgment.

(b) A Canadian judgment that grants both recovery of a sum of money and other relief may be registered under sections 548.64 to 548.74, but only to the extent of the grant of recovery of a sum of money.

(c) A Canadian judgment regarding subject matter both within and not within the scope of sections 548.64 to 548.74 may be registered under sections 548.64 to 548.74, but only to the extent the judgment is with regard to subject matter within the scope of sections 548.64 to 548.74.

Sec. 4. **[548.67] REGISTRATION OF CANADIAN JUDGMENT.**

(a) A person seeking recognition of a Canadian judgment described in section 548.66 to enforce the judgment may register the judgment in the office of the court administrator of a court in which an action for recognition of the judgment could be filed under section 548.59.

(b) A registration under paragraph (a) must be executed by the person registering the judgment or the person's attorney and include:

(1) a copy of the Canadian judgment authenticated in the same manner as a copy of a foreign judgment is authenticated in an action under section 548.59 as an accurate copy by the court that entered the judgment;

(2) the name and address of the person registering the judgment;

(3) if the person registering the judgment is not the person in whose favor the judgment was rendered, a statement describing the interest the person registering the judgment has in the judgment which entitles the person to seek its recognition and enforcement;

(4) the name and last-known address of the person against whom the judgment is being registered;

(5) if the judgment is of the type described in section 548.66, paragraph (b) or (c), a description of the part of the judgment being registered;

(6) the amount of the judgment or part of the judgment being registered, identifying:

(i) the amount of interest accrued as of the date of registration on the judgment or part of the judgment being registered, the rate of interest, the part of the judgment to which interest applies, and the date when interest began to accrue;

(ii) costs and expenses included in the judgment or part of the judgment being registered, other than an amount awarded for attorney fees; and

(iii) the amount of an award of attorney fees included in the judgment or part of the judgment being registered;

(7) the amount, as of the date of registration, of post-judgment costs, expenses, and attorney fees claimed by the person registering the judgment or part of the judgment;

(8) the amount of the judgment or part of the judgment being registered which has been satisfied as of the date of registration;

(9) a statement that:

(i) the judgment is final, conclusive, and enforceable under the law of the Canadian jurisdiction in which it was rendered;

(ii) the judgment or part of the judgment being registered is within the scope of sections 548.64 to 548.74; and

(iii) if a part of the judgment is being registered, the amounts stated in the registration under clauses (6), (7), and (8) relate to the part;

(10) if the judgment is not in English, a certified translation of the judgment into English; and

(11) the filing fee stated in section 548.30.

(c) On receipt of a registration that includes the documents, information, and filing fee required by paragraph (b), the court administrator shall file the registration, assign a docket number, and enter the Canadian judgment in the court's docket.

(d) A registration substantially in the following form complies with the registration requirements under paragraph (b) if the registration includes the attachments specified in the form:

REGISTRATION OF CANADIAN MONEY JUDGMENT

Complete and file this form, together with the documents required by Part V of this form, with the court administrator. When stating an amount of money, identify the currency in which the amount is stated.

PART I. IDENTIFICATION OF CANADIAN JUDGMENT

Canadian Court Rendering
the Judgment:

.....

Case/Docket Number in
Canadian Court:

.....

4.1

Name of Plaintiff(s):

4.2

.....

4.3

Name of Defendant(s):

4.4

.....

4.5

The Canadian Court entered

4.6

the judgment:

4.7

on in in

4.8

[Date] [City] [Province or Territory]

4.9

The judgment includes an award for the payment of money in favor of

4.10

in the amount of

4.11

If only part of the Canadian judgment is subject to registration (see section 548.66,

4.12

paragraphs (b) and (c)), describe the part of the judgment being registered:

4.13

.....

4.14

PART II. IDENTIFICATION OF PERSON REGISTERING JUDGMENT AND PERSON

4.15

AGAINST WHOM JUDGMENT IS BEING REGISTERED

4.16

Provide the following information for all persons seeking to register the judgment under

4.17

this registration and all persons against whom the judgment is being registered under this

4.18

registration. Name of Person(s) Registering Judgment:

4.19

.....

4.20

If a person registering the judgment is not the person in whose favor the judgment was

4.21

rendered, describe the interest the person registering the judgment has in the judgment

4.22

which entitles the person to seek its recognition and enforcement:

4.23

.....

4.24

Address of Person(s) Registering Judgment:

4.25

.....

4.26

Additional Contact Information for Person(s) Registering Judgment (Optional):

4.27

Telephone Number: Fax Number:

4.28

E-mail Address:

4.29

Name of Attorney for Person(s) Registering Judgment, if any:

4.30

.....

4.31

Address:

4.32

Telephone Number: Fax Number:

4.33

E-mail Address:

4.34

Name of Person(s) Against Whom Judgment is Being Registered:

4.35

.....

4.36

Address of Person(s) Against Whom Judgment is Being Registered:

4.37

..... (provide the most recent address known)

4.38

Additional Contact Information for Person(s) Against Whom Judgment is Being Registered

4.39

(Optional) (provide most recent information known):

4.40

Telephone Number: Fax Number:

4.41

E-mail Address:

PART III. CALCULATION OF AMOUNT FOR WHICH ENFORCEMENT IS SOUGHT

Identify the currency or currencies in which each amount is stated.

The amount of the Canadian judgment or part of the judgment being registered is:

.....

The amount of interest accrued as of the date of registration on the part of the judgment being registered is:

.....

The applicable rate of interest is:

The date when interest began to accrue is:

The part of the judgment to which the interest applies is:

The Canadian Court awarded costs and expenses relating to the part of the judgment being registered in the amount of:

.....

(exclude any amount included in the award of costs and expenses which represents an award of attorney fees).

The person registering the Canadian judgment claims post-judgment costs and expenses in the amount of:

.....

and post-judgment attorney fees in the amount of

.....

relating to the part of the judgment being registered (include only costs, expenses, and attorney fees incurred before registration).

The amount of the part of the judgment being registered which has been satisfied as of the date of registration is

.....

The total amount for which enforcement of the part of the judgment being registered is sought is

.....

PART IV. STATEMENT OF PERSON REGISTERING JUDGMENT

I, state:

(Person Registering Judgment or Attorney for Person Registering Judgment)

1. The Canadian judgment is final, conclusive, and enforceable under the law of the Canadian jurisdiction in which it was rendered.

2. The Canadian judgment or part of the judgment being registered is within the scope of Minnesota Statutes, sections 548.64 to 548.74.

3. If only a part of the Canadian judgment is being registered, the amounts stated in Part III of this form relate to that part.

PART V. ITEMS REQUIRED TO BE INCLUDED WITH REGISTRATION

Attached are (check to signify required items are included):

..... A copy of the Canadian judgment authenticated in the same manner a copy of a foreign judgment is authenticated in an action under Minnesota Statutes, section 548.59, as an accurate copy by the Canadian court that entered the judgment.

6.1 If the Canadian judgment is not in English, a certified translation of the judgment
6.2 into English.

6.3 The registration fee stated in Minnesota Statutes, section 548.30.

6.4 I declare that the information provided on this form is true and correct to the best of my
6.5 knowledge and belief.

6.6 Submitted by:

6.7 Signature of Person Registering Judgment or

6.8 Attorney for Person Registering Judgment

6.9 Date of submission:

6.10 Sec. 5. **[548.68] EFFECT OF REGISTRATION.**

6.11 (a) Subject to paragraph (b), a Canadian judgment registered under section 548.67 has
6.12 the same effect provided in section 548.60 for a judgment a court determines to be entitled
6.13 to recognition.

6.14 (b) A Canadian judgment registered under section 548.67 may not be enforced by sale
6.15 or other disposition of property, or by seizure of property or garnishment, until 31 days after
6.16 notice under section 548.69 of registration is served. The court for cause may provide for
6.17 a shorter or longer time. This paragraph does not preclude use of relief available under law
6.18 of this state other than sections 548.64 to 548.74 to prevent dissipation, disposition, or
6.19 removal of property.

6.20 Sec. 6. **[548.69] NOTICE OF REGISTRATION.**

6.21 (a) A person that registers a Canadian judgment under section 548.67 shall cause notice
6.22 of registration to be served on the person against whom the judgment has been registered.

6.23 (b) Notice under this section must be served in the same manner that a summons and
6.24 complaint must be served in an action seeking recognition under section 548.59 of a
6.25 foreign-country money judgment.

6.26 (c) Notice under this section must include:

6.27 (1) the date of registration and court in which the judgment was registered;

6.28 (2) the docket number assigned to the registration;

6.29 (3) the name and address of:

6.30 (i) the person registering the judgment; and

6.31 (ii) the person's attorney, if any;

(4) a copy of the registration, including the documents required under section 548.67, paragraph (b); and

(5) a statement that:

(i) the person against whom the judgment has been registered, not later than 30 days after the date of service of notice, may petition the court to vacate the registration; and

(ii) the court for cause may provide for a shorter or longer time.

(d) Proof of service of notice under this section must be filed with the court administrator.

Sec. 7. [548.70] PETITION TO VACATE REGISTRATION.

(a) Not later than 30 days after notice under section 548.69 is served, the person against whom the judgment was registered may petition the court to vacate the registration. The court for cause may provide for a shorter or longer time for filing the petition.

(b) A petition under this section may assert only:

(1) a ground that could be asserted to deny recognition of the judgment under sections 548.54 to 548.63; or

(2) a failure to comply with a requirement of sections 548.64 to 548.74 for registration of the judgment.

(c) A petition filed under this section does not itself stay enforcement of the registered judgment.

(d) If the court grants a petition under this section, the registration is vacated, and any act under the registration to enforce the registered judgment is void.

(e) If the court grants a petition under this section on a ground under paragraph (b), clause (1), the court also shall render a judgment denying recognition of the Canadian judgment. A judgment rendered under this subsection has the same effect as a judgment denying recognition to a judgment on the same ground under sections 548.54 to 548.63.

Sec. 8. [548.71] STAY OF ENFORCEMENT OF JUDGMENT PENDING DETERMINATION OF PETITION.

A person that files a petition under section 548.70, paragraph (a), to vacate registration of a Canadian judgment may request the court to stay enforcement of the judgment pending determination of the petition. The court shall grant the stay if the person establishes a likelihood of success on the merits with regard to a ground listed in section 548.70, paragraph

8.1 (b), for vacating a registration. The court may require the person to provide security in an
8.2 amount determined by the court as a condition of granting the stay.

8.3 **Sec. 9. [548.72] RELATIONSHIP TO UNIFORM FOREIGN-COUNTRY MONEY**
8.4 **JUDGMENTS RECOGNITION ACT.**

8.5 (a) Sections 548.64 to 548.74 supplement the Uniform Foreign-Country Money
8.6 Judgments Recognition Act, and sections 548.54 to 548.63, other than section 548.59, apply
8.7 to a registration under sections 548.64 to 548.74.

8.8 (b) A person may seek recognition of a Canadian judgment described in section 548.66
8.9 either:

8.10 (1) by registration under sections 548.64 to 548.74; or

8.11 (2) under section 548.59.

8.12 (c) Subject to paragraph (d), a person may not seek recognition in this state of the same
8.13 judgment or part of a judgment described in 548.66, paragraph (b) or (c), with regard to the
8.14 same person under both sections 548.59 and 548.64 to 548.74.

8.15 (d) If the court grants a petition to vacate a registration solely on a ground under section
8.16 548.70, paragraph (b), clause (2), the person seeking registration may:

8.17 (1) if the defect in the registration can be cured, file a new registration under sections
8.18 548.64 to 548.74; or

8.19 (2) seek recognition of the judgment under section 548.59.

8.20 **Sec. 10. [548.73] UNIFORMITY OF APPLICATION AND INTERPRETATION.**

8.21 In applying and construing this uniform act, consideration must be given to the need to
8.22 promote uniformity of the law with respect to its subject matter among states that enact it.

8.23 **Sec. 11. [548.74] TRANSITIONAL PROVISION.**

8.24 Sections 548.64 to 548.74 apply to the registration of a Canadian judgment entered in
8.25 a proceeding that is commenced in Canada on or after the effective date of sections 548.64
8.26 to 548.74.

8.27 **Sec. 12. EFFECTIVE DATE.**

8.28 Sections 1 to 11 are effective January 1, 2022.