

**TITLE 30 – CIVIL REMEDIES AND SPECIAL PROCEEDINGS**  
**CHAPTER 4 - UNIFORM FOREIGN MONEY-JUDGMENTS RECOGNITION**



Republic of the Marshall Islands  
*Jepilpilin Ke Ejukaan*

**UNIFORM FOREIGN MONEY-JUDGMENTS  
 RECOGNITION ACT**

**Arrangement of Sections**

Section	Page
§401. Short Title. ....	3
§402. Definitions. ....	3
§403. Applicability.....	4
§404. Recognition and Enforcement. ....	4
§405. Grounds for Non-recognition.....	4
§406. Personal Jurisdiction. ....	5
§407. Stay in Case of Appeal.....	6
§408. Statute of Limitations.....	6
§409. Uniformity of Interpretation.....	6
§410. Savings Clause. ....	7



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**UNIFORM FOREIGN MONEY-JUDGMENTS**  
**RECOGNITION ACT**

AN ACT to adopt the Uniform Foreign Money-Judgments Recognition Act with certain modifications and to provide the exclusive bases for the recognition of foreign money judgments.

*Commencement:*

*October 14, 1996*

*Source:*

*P.L. 1996-23*

*P.L. 2018-59    P.L. 2021-40*

**§401. Short Title.**

This Chapter may be cited as the Uniform Foreign Money-Judgments Recognition Act.[P.L. 1996-23, §1.]

**§402. Definitions.**

As used in this Chapter.

- (1) “**foreign country**” means a government other than the Republic of the Marshall Islands, or political subdivision thereof;
- (2) “**foreign judgment**” means any judgment of a foreign country; and
- (3) “**foreign court**” means a court of a foreign country;  
[P.L. 1996-23, §2.][amended by P.L. 2021-40]

**§403. Applicability.**

- (1) Except as otherwise provided in Subsection (2) of this Section, this Chapter applies to a foreign judgment to the extent that the foreign 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, even though an appeal therefrom is pending, or subject to appeal
- (2) This Chapter does not apply to a foreign judgment, even if the foreign judgment grants or denies recovery of a sum of money, to the extent that the foreign judgment is:
  - (a) a judgment for taxes; or
  - (b) a fine or other penalty.
- (3) The party seeking recognition of a foreign judgment has the burden of establishing that this Chapter applies to the foreign judgment.  
[P.L. 1996-23, §3.][§403 is inserted as new in its entirety by P.L.2021-40]

**§404. Recognition and Enforcement.**

Except as provided in Section 405, a court of the Republic shall recognize and enforce a foreign judgment to which this Chapter applies.  
[P.L. 1996-23, §4.][amended by P.L.2021-40]

**§405. Grounds for Non-recognition.**

- (1) A court of the Republic shall not recognize a foreign judgment if;
  - (a) the judgment was rendered under a system which 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.
- (2) A court of the Republic need not recognize a foreign judgment if:
  - (a) the defendant in the proceedings in the foreign court did not receive notice of the proceedings in sufficient time to enable it to defend;

- (b) the judgment was obtained by fraud that deprived the losing party of an adequate opportunity to present its case;
  - (c) the cause of action on which the judgment is based is repugnant to the public policy of the Republic;
  - (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 settled otherwise than by proceedings in the court; or
  - (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;
  - (h) the specific proceeding in the foreign court leading to the foreign judgment was not compatible with the requirements of due process of law; or
  - (i) the foreign country does not recognize or enforce the judgements of any other foreign country.
- (3) The party resisting recognition of the foreign judgment has the burden of establishing that one of the grounds for non-recognition stated in Subsection (1) or (2) of this Section exists. [P.L. 1996-23, §5.][subsections and paragraphs re- numbered to conform to format of the Code] [para (g) was inserted by P.L. 2018-59][amended by P.L.2021-40]

#### **§406. Personal Jurisdiction.**

- (1) The foreign judgment shall not be refused recognition for lack of personal jurisdiction if:
- (a) the defendant was served personally in the foreign country;
  - (b) the defendant voluntarily appeared in the proceedings, other than for the purpose of protecting property seized or threatened with seizure in the proceedings or a contesting the jurisdiction of the court over it;

- (c) the defendant prior to the commencement of the proceedings 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 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 country;
  - (e) the defendant had a business office in the foreign country and the proceeding in the foreign court involved a cause of action 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 proceedings involved a cause of action arising out of such operation.
- (2) The courts of the Republic may recognize other bases of jurisdiction. [P.L. 1996-23, §6.] [this section was amended by P.L. 2018-59][amended by P.L. 2021-40]

#### **§407. Stay in Case of Appeal.**

If the defendant satisfies the court either that an appeal is pending or that it is entitled and intends to appeal from the foreign judgment, the court may stay in 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. [P.L. 1996-23, §7.]

#### **§408. Statute of Limitations.**

An action to recognize a foreign judgment shall be commenced within the earlier of the time during which the foreign judgment is effective in the foreign country or fifteen years from the date that the foreign judgment became effective in the foreign country. [Inserted by P.L.2021-40][amendment by P.L.2021-40]

#### **§409. Uniformity of Interpretation.**

This Chapter shall be so construed as to effectuate its general purpose to make uniform the law of those jurisdictions which enact it. [P.L. 1996-23, §8.]

**§410. Savings Clause.**

This Act does not prevent the recognition of a foreign judgement in situations not covered by this Act. [P.L. 1996-23, §9.] [amended by P.L 2018-59]