



REGISTERING A FOREIGN JUDGMENT

A Research Guide for a North Dakota Civil Court Process

The North Dakota Legal Self Help Center provides resources to people who represent themselves in civil matters in the North Dakota courts.

The information provided in this research guide is intended as a starting point for your research into registering a foreign judgment in a North Dakota district court. The information provided in this research guide is not intended for legal advice and cannot replace the advice of competent legal counsel licensed in the state.

The self-represented individual must make all decisions about how to proceed.

References to non-ND Legal Self Help Center resources are included for your convenience only. Including these references does not mean the ND Legal Self Help Center endorses, warrants, or accepts responsibility for the content or uses of the resource. Use at your own risk.

OVERVIEW OF REGISTERING A FOREIGN JUDGMENT:

An authenticated copy of a judgment, decree or order of any other United States state court may be filed in a North Dakota district court.

A foreign judgment accepted for registration in a North Dakota district court is treated in the same manner as a judgment issued by a North Dakota district court. For example, the registered foreign judgment may be enforced, collected or satisfied using the same processes available for judgments issued by North Dakota district courts.

Caution! Additional or different requirements may apply, depending on the type of foreign judgment. This research guide contains information for foreign judgments registered under North Dakota Century Code Chapter 28-20.1 only.

NORTH DAKOTA STATUTES RELATED TO REGISTERING A FOREIGN JUDGMENT:

*(North Dakota statutes are found in the North Dakota Century Code (NDCC). The North Dakota Century Code contains the laws enacted by North Dakota Legislature. The NDCC is found online at <http://www.legis.nd.gov/general-information/north-dakota-century-code>. **These are not the full chapters and sections contained in the NDCC, please follow the links to view the laws in full.**)*

Chapter 28-20. Judgments. <http://www.legis.nd.gov/cencode/t28c20.html>

Chapter 28-20.1. Enforcement of Foreign Judgments.

<http://www.legis.nd.gov/cencode/t28c20-1.html>

In Chapter 28-20.1, "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 North Dakota.

NORTH DAKOTA CASE LAW:

(When the decision of a case is appealed from a North Dakota District Court to the North Dakota Supreme Court, the Supreme Court writes their opinion to explain how and why they interpreted the laws or rules to decide the appeal the way they did. The opinions are case law and are followed by North Dakota courts deciding later cases with similar facts and issues.)

One way to research case law related to registering a foreign judgment, is to use the print version of the North Dakota Century Code to find the short summaries of case law after each Section of the Century Code. The case law summaries are located directly following the text of the Century Code Section. To view the full text of the opinion, go to www.ndcourts.gov, click on the "Opinions" link and enter the case name or case citation.

Another way to research case law related to registering a foreign judgment, is to search by topic at www.ndcourts.gov. Click on the "Opinions" link, the "By Topic" link, and then on the link for the topic.

NORTH DAKOTA COURT RULES:

Court rules govern how a dispute makes its way to court and how the dispute is conducted. All of the court rules are found online at <http://www.ndcourts.gov/Rules/>.

LAWS CONSTANTLY CHANGE THROUGH LEGISLATION, ADMINISTRATIVE RULINGS AND COURT DECISIONS.

To determine how a law applies to your situation, review the applicable law or laws, administrative rulings and court decisions. Notes of court decisions related to North Dakota law can be found in the print editions of the North Dakota Century Code. Print editions of the North Dakota Century Code and North Dakota court rules are found in many North Dakota public and academic libraries.

Only a lawyer licensed to practice in North Dakota who has agreed to represent you can give you legal advice. Legal advice includes interpreting how the laws and rules apply to your situation.

LIBRARY RESOURCES: *(Not all legal resources are available online.)*

ODIN is a shared library database of many North Dakota academic, public, state agency, and special libraries. Search ODIN for resources that may be available in a North Dakota library near you. (<http://www.odin.nodak.edu/>)

Following are library resources that may be of interest to you:

North Dakota Century Code Annotated, Lexis Nexis, Creation Date c1959 – present.

North Dakota Court Rules Annotated, Lexis Nexis, Creation Date c1990 – present.

PROCESS FOR REGISTERING A FOREIGN JUDGMENT:

Documents Required for Registering a Foreign Judgment:

When registering a judgment under Chapter 28-20.1, the following documents are required:

- A petition or application for registration of a foreign judgment;
- An Affidavit of Identification of the judgment debtor; and
- An authenticated copy of the foreign judgment.

File the Documents with the Clerk of District Court:

The documents are filed with the clerk of court of the county where you register your foreign judgment. If the clerk of court accepts your documents for filing, the clerk will assign a case number.

You will be required to pay a \$10.00 filing fee. Confirm the amount with the clerk of court. Contact information for clerks of court by county is available online at <http://www.ndcourts.gov/court/email/frclerks.htm>.

Forms and instructions for requesting the court waive the filing fee are available online at www.ndcourts.gov/ndlshc by clicking on the "Other Forms" link.

Notice of Filing

When the petition, Affidavit of Identification and copy of the foreign judgment are filed, the clerk of court mails notice that the foreign judgment was filed to the judgment debtor. The clerk of court mails the notice of filing to the address of the judgment debtor listed in the Affidavit of Identification.

The clerk of court may require you to mail the notice of filing to the judgment debtor. If you mail the notice of filing of the foreign judgment to the judgment debtor, you must file the original, completed notice of filing and an affidavit of service by mail with the clerk of court.

After the Foreign Judgment is Registered:

After a foreign judgment is registered in North Dakota District Court, you have the same judgment collection options as a judgment granted by a North Dakota court. Email the ND Legal Self Help Center for information about various processes to collect a judgment at ndselfhelp@ndcourts.gov.

FORMS FOR REGISTERING A FOREIGN JUDGMENT:

An Affidavit of Identification form is available online at www.ndcourts.gov/ndlshc by clicking on the "Other Forms" link.

A Notice of Filing form is available online at www.ndcourts.gov/ndlshc by clicking on the "Guide to Civil Action" link.

The ND Legal Self Help Center does not have a form for a petition or application for registration of a foreign judgment. If you decide to represent yourself, you will need to create your own legal document.

Although the ND Legal Self Help Center does not have a form for a petition or application for registration of a foreign judgment, a variety of General-Use forms are available in the Guide to a Civil Action. You may find the General-Use forms of interest as a starting point for creating your own legal document.

The Guide to a Civil Action is available at www.ndcourts.gov/ndlshc/ by clicking on the "Guide to Civil Action" link.

OTHER NORTH DAKOTA STATUTES RELATED TO FOREIGN JUDGMENTS:

This research guide contains information for foreign judgments registered under North Dakota Century Code Chapter 28-20.1 only. Depending on the type of foreign judgment, North Dakota law may have different or additional requirements. **Review the law(s) related to the topic of your foreign judgment to determine if different or additional requirements apply.**

The following are other North Dakota Century Code Chapters related to foreign judgments:
(*this is not an all-inclusive list*)

- Chapter 14-12.2. Uniform Interstate Family Support Act:
<http://www.legis.nd.gov/cencode/t14c12-2.html>
 - See Section 14-12.2-35 for registering a foreign support order.

- Chapter 14-14.1. Uniform Child Custody Jurisdiction and Enforcement Act:
<http://www.legis.nd.gov/cencode/t14c14-1.html>.
 - For information about the registration and enforcement of foreign child custody determinations, see the Informational Guides available at www.ndcourts.gov/ndlshc/ by clicking on the “Family Law” link.
- Chapter 28-20.2. Uniform Foreign Money – Judgments Recognition Act:
<http://www.legis.nd.gov/cencode/t28c20-2.html>.
 - Judgments of a governmental unit other than the United States or any state, district, commonwealth, territory, or insular possession of the United States.
- Chapter 28-35. Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act:
<http://www.legis.nd.gov/cencode/t28c35.html>.
 - See Sections 28-35-17 and 28-35-18 for registering a guardianship or conservatorship order of another state.

OTHER LEGAL RESEARCH RESOURCES:

How to Research a Legal Problem: A Guide for Non-Lawyers, American Association of Law Libraries. (www.aallnet.org)

ATTORNEY RESOURCES AND LIMITED LEGAL REPRESENTATION:

You are not required to hire an attorney to access the court system. If you decide to represent yourself, you must follow all of the rules, laws and procedures that an attorney is required to follow.

Attorney Resources

If you decide to find an attorney to represent you, you may find the following options of interest. Legal Services of North Dakota is a non-profit organization, providing free legal assistance to North Dakota residents in a variety of matters based on income. Legal Services of North Dakota can also determine whether an applicant meets the income requirements for the Volunteer Lawyers program that offers low-cost legal assistance based on income. The phone number is (800) 634-5263 and the website is www.legalassist.org.

The State Bar Association provides a lawyer referral service to match paying clients in need of legal services with lawyers. The phone number is (866) 450-9579 and the website is www.sband.org.

For a list of all lawyers who are licensed to practice in North Dakota, go to the North Dakota Supreme Court website at www.ndcourts.gov/Lawyers. You can narrow your search by city by clicking on "Cities" in the blue NAVIGATION box in the upper left of the webpage.

Limited Legal Representation

Attorneys licensed to practice in North Dakota may provide Limited Legal Representation in civil actions. Limited Legal Representation (sometimes called “unbundling”) is a way that an attorney can help you with part of your case while you do the rest of your case. You pay for the part of the case the attorney handled. For example:

- You may want an attorney to give you an expert opinion about your options, or your legal rights and responsibilities;
- You can consult with an attorney to prepare or review your paperwork, but attend hearings yourself;
- You can represent yourself through the whole case, and periodically consult with an attorney who can coach you on the law, procedures and strategy;
- You can do the preparation yourself and hire an attorney just to make the court appearance for you.

You and the attorney must agree in writing to Limited Legal Representation.

STATE OF NORTH DAKOTA
COUNTY OF [REDACTED]

[REDACTED]
IN DISTRICT COURT
[REDACTED] JUDICIAL DISTRICT

[REDACTED]
[REDACTED]
Plaintiff,

vs.

[REDACTED]
[REDACTED]
Defendant.

PETITION FOR REGISTRATION OF
FOREIGN JUDGMENT

File No.: _____

[¶1] Comes now the plaintiff and respectfully represents to the Court as follows:

[¶2] 1. On May 5, [REDACTED], plaintiff obtained a judgment against the above named defendant in the District Court of [REDACTED] County, Minnesota, file number [REDACTED], said judgment being in the amount of \$3,391.52 plus interest at 0% per annum.

[¶3] 2. A duly authenticated copy of said judgment is attached hereto marked Exhibit "A" and made a part hereof by reference.

[¶4] 3. This action is brought pursuant to the Uniform Enforcement of Foreign Judgments Act.

[¶5] WHEREFORE, plaintiff prays that said judgment be registered in the DISTRICT Court of [REDACTED] County, NORTH DAKOTA.

Dated: March 15, [REDACTED]

[REDACTED]
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