

1 AN ACT relating to Canadian money judgments.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 426A IS CREATED TO
4 READ AS FOLLOWS:

5 *Sections 1 to 11 of this Act may be cited as the Uniform Registration of Canadian*
6 *Money Judgments Act.*

7 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 426A IS CREATED TO
8 READ AS FOLLOWS:

9 *As used in Sections 1 to 11 of this Act:*

10 *(1) "Canada" means the sovereign nation of Canada and its provinces and*
11 *territories. "Canadian" has a corresponding meaning; and*

12 *(2) "Canadian judgment" means a judgment of a court of Canada, other than a*
13 *judgment that recognized the judgment of another foreign country.*

14 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 426A IS CREATED TO
15 READ AS FOLLOWS:

16 *(1) Sections 1 to 11 of this Act shall apply to a Canadian judgment to the extent the*
17 *judgment is within the scope of Section 3 of the Uniform Foreign-Country Money*
18 *Judgments Recognition Act, if recognition of the judgment is sought to enforce*
19 *the judgment.*

20 *(2) A Canadian judgment that grants both recovery of a sum of money and other*
21 *relief may be registered under Sections 1 to 11 of this Act, but only to the extent*
22 *of the grant of recovery of a sum of money.*

23 *(3) A Canadian judgment regarding subject matter both within and not within the*
24 *scope of Sections 1 to 11 of this Act may be registered under Sections 1 to 11 of*
25 *this Act, but only to the extent the judgment is with regard to subject matter*
26 *within the scope of Sections 1 to 11 of this Act.*

27 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 426A IS CREATED TO

1 READ AS FOLLOWS:

2 (1) A person seeking recognition of a Canadian judgment described in Section 3 of
3 this Act to enforce the judgment may file the judgment in the office of clerk of the
4 court in which an action for recognition of the judgment could be filed under
5 Section 6 of the Uniform Foreign-Country Money Judgments Recognition Act.

6 (2) A registration under subsection (1) of this section shall be executed by the person
7 registering the judgment or the person's attorney and include:

8 (a) A copy of the Canadian judgment authenticated under Section 6 of the
9 Uniform Foreign-Country Money Judgments Recognition Act as an
10 accurate copy by the court that entered the judgment;

11 (b) The name and address of the person registering the judgment;

12 (c) If the person registering the judgment is not the person in whose favor the
13 judgment was rendered, a statement describing the interest the person
14 registering the judgment has in the judgment which entitles the person to
15 seek its recognition and enforcement;

16 (d) The name and last known address of the person against whom the judgment
17 is being registered;

18 (e) If the judgment is of the type described in subsection (2) or (3) of Section 3
19 of this Act, a description of the part of the judgment being registered;

20 (f) The amount of the judgment or part of the judgment being registered
21 identifying:

22 1. The amount of interest accrued as of the date of registration on the
23 judgment or part of the judgment being registered, the rate of interest,
24 the part of the judgment to which interest applies, and the date when
25 the interest began to accrue;

26 2. Costs and expenses included in the judgment or part of the judgment
27 being registered, other than an amount awarded for attorney's fees;

1 and

2 3. The amount of any award of attorney's fees included in the judgment
3 or part of the judgment being registered;

4 (g) The amount, as of the date of registration, of post-judgment costs, expenses,
5 and attorney's fees claimed by the person registering the judgment or part
6 of the judgment;

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

9 (i) A statement that:

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

12 2. The judgment or part of the judgment being registered is within the
13 scope of Sections 1 to 11 of this Act; and

14 3. If a part of the judgment is being registered, the amounts stated in the
15 registration under paragraphs (f), (g), and (h) of this subsection relate
16 to the part being registered;

17 (j) If the judgment is not in English, a certified translation of the judgment
18 into English; and

19 (k) A registration fee set by rule of the Kentucky Supreme Court in accordance
20 with KRS 23A.200 and 24A.170.

21 (3) On receipt of a registration that includes the documents, information, and
22 registration fee required in subsection (2) of this section, the clerk of the court
23 shall file the registration and, except as may be otherwise provided in Sections 1
24 to 11 of this Act, shall treat the judgment in the same manner as a judgment of
25 any court or this state as provided in KRS 426.955.

26 (4) A registration substantially in the following form complies with the registration
27 requirements in subsection (2) of this section if the registration includes the

1 attachments specified in the form:

2 "REGISTRATION OF CANADIAN MONEY JUDGMENT

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

6 PART I. IDENTIFICATION OF CANADIAN JUDGMENT

7 Canadian Court Rendering the Judgment: _____

8 Case/Docket Number in Canadian Court: _____

9 Name of Plaintiff(s): _____

10 Name of Defendant(s): _____

11 The Canadian Court entered the judgment on _____ (Date) in _____ (City)
12 in _____ (Province or Territory).

13 The judgment includes an award for the payment of money in favor of _____ in
14 the amount of _____.

15 If only part of the Canadian judgment is subject to registration pursuant to subsections
16 (2) and (3) of Section 3 of this Act, describe the part of the judgment being registered:

17 _____.

18 PART II. IDENTIFICATION OF PERSON REGISTERING JUDGMENT AND
19 PERSON AGAINST WHOM JUDGMENT IS BEING REGISTERED

20 Provide the following information for all persons seeking to register the judgment
21 under this registration and all persons against whom the judgment is being registered
22 under this registration.

23 Name of person(s) registering judgment: _____.

24 If the person registering the judgment is not the person in whose favor the judgment
25 was rendered, describe the interest the person registering the judgment has in the
26 judgment which entitles the person to seek its recognition and
27 enforcement: _____

1 Address: _____

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

3 Telephone Number: _____ FAX Number: _____

4 Email Address: _____

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

6 Address: _____

7 Telephone Number: _____ FAX Number: _____

8 Email Address: _____

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

10 Address of Person(s) Against Whom Judgment is Being Registered (provide the most

11 recent address known): _____.

12 Additional contact information for Person(s) Against Whom Judgment is Being

13 Registered (Optional) (provide most recent information known):

14 Telephone Number: _____ FAX Number: _____

15 Email Address: _____

16 **PART III. CALCULATION OF AMOUNT FOR WHICH ENFORCEMENT IS**

17 **SOUGHT**

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

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

20 _____.

21 The amount of interest accrued as of the date of registration on the part of the

22 judgment being registered is _____.

23 The applicable rate of interest is _____ . The date when interest began

24 to accrue is _____ . The part of the judgment to which the interest applies

25 is _____.

26 The Canadian court awarded costs and expenses relating to the part of the judgment

27 being registered in the amount of _____ (Exclude any amount included in the

1 award of costs and expenses that represents an award of attorney's fees).

2 The Canadian court awarded attorney's fees relating to the part of the judgment being
3 registered in the amount of _____.

4 The person registering the Canadian judgment claims post-judgment costs and
5 expenses of _____ and post-judgment attorney's fees of _____
6 relating to the part of the judgment being registered (include only costs, expenses, and
7 attorney's fees incurred before registration).

8 The amount of the part of the judgment being registered that has been satisfied as of
9 the date of registration is _____.

10 The total amount for which enforcement of the part of the judgment being registered is
11 sought is _____.

12 **PART IV. STATEMENT OF PERSON REGISTERING JUDGMENT**

13 I, _____ (Person registering judgment or attorney for person
14 registering judgment), state:

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

17 2. The Canadian judgment or part of the Canadian judgment being registered
18 is within the scope of Sections 1 to 11 of this Act.

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

21 **PART V. ITEMS REQUIRED TO BE INCLUDED WITH REGISTRATION**

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

23 A copy of the Canadian judgment authenticated as accurate by the Canadian
24 court that entered the judgment in the same manner a copy of a foreign judgment is
25 authenticated in an action under Section 6 of the Uniform Foreign-Country Money
26 Judgments Recognition Act.

27 If the Canadian judgment is not in English, a certified translation of the

1 judgment into English.

2 A registration fee in the amount established by the Supreme Court of
3 Kentucky.

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

6 Submitted by: _____

7 Person Registering Judgment or Attorney for Person
8 Registering Judgment (Specify Whether Signer is the
9 Person Registering the Judgment or that Person's
10 Attorney)

11 Date of Submission: _____

12 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 426A IS CREATED TO
13 READ AS FOLLOWS:

14 (1) Subject to subsection (2) of this section, a Canadian judgment registered under
15 Section 4 of this Act has the same effect provided in Section 7 of the Uniform
16 Foreign-Country Money Judgments Recognition Act for a judgment a court
17 determines to be entitled to recognition.

18 (2) A Canadian judgment registered under Section 4 of this Act shall not be enforced
19 by sale or other disposition of property, or by seizure of property, until thirty-one
20 (31) days after notice of registration under Section 6 of this Act is served. The
21 court for cause may provide for a shorter or longer time. This subsection shall
22 not preclude use of relief available under the laws of this state other than
23 Sections 1 to 11 of this Act to prevent dissipation, disposition, or removal of
24 property.

25 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 426A IS CREATED TO
26 READ AS FOLLOWS:

27 (1) A person that registers a Canadian judgment under Section 4 of this Act shall

1 cause notice of registration to be served on the person against whom the
2 judgment has been registered.

3 (2) Notice under this section shall be served in the same manner as a summons and
4 complaint is required to be served in an action seeking recognition under Section
5 6 of the Uniform Foreign-Country Money Judgments Recognition Act of a
6 foreign-country money judgment.

7 (3) Notice under this section shall include:

8 (a) The date of registration and the court in which the judgment was registered;

9 (b) The case number assigned to the registration;

10 (c) The name and address of:

11 1. The person registering the judgment; and

12 2. The person's attorney, if any;

13 (d) A copy of the registration, including the documents required under
14 subsection (2) of Section 4 of this Act; and

15 (e) A statement that:

16 1. The person against whom the judgment has been registered, not later
17 than thirty (30) days after the date of service of notice, may petition
18 the court to vacate the registration; and

19 2. The court may, for good cause shown, provide for a shorter or longer
20 time.

21 (4) Proof of service of the notice under this section shall be filed with the court.

22 ➔SECTION 7. A NEW SECTION OF KRS CHAPTER 426A IS CREATED TO
23 READ AS FOLLOWS:

24 (1) No later than thirty (30) days after service of the notice required under Section 6
25 of this Act, the person against whom the judgment was registered may petition the
26 court to vacate the registration. The court, for good cause shown, may provide for
27 a shorter or longer time for filing the petition.

1 (2) A petition filed under this section may only assert:

2 (a) A ground that could be asserted to deny recognition of the judgment under
3 the Uniform Foreign-Country Money Judgments Recognition Act; or

4 (b) A failure to comply with a requirement of Sections 1 to 11 of this Act for
5 registration of the judgment.

6 (3) A petition filed under this section shall not in and of itself stay enforcement of the
7 registered judgment.

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

10 (5) If the court grants a petition under this section on a ground under subsection
11 (2)(a) of this section, the court shall also enter a judgment denying recognition of
12 the Canadian judgment. A judgment entered under this subsection shall have the
13 same effect as a judgment denying recognition of a judgment on the same ground
14 under the Uniform Foreign-Country Money Judgments Recognition Act.

15 ➔SECTION 8. A NEW SECTION OF KRS CHAPTER 426A IS CREATED TO
16 READ AS FOLLOWS:

17 A person that filed a petition under subsection (1) of Section 7 of this Act to vacate
18 registration of a Canadian judgment may request the court to stay enforcement of the
19 judgment pending a determination of the petition. The court shall grant the stay if the
20 person establishes a likelihood of success on the merits with regard to a ground listed
21 in subsection (2) of Section 7 of this Act for vacating a registration. The court may
22 require the person to provide security in an amount determined by the court as a
23 condition of granting the stay.

24 ➔SECTION 9. A NEW SECTION OF KRS CHAPTER 426A IS CREATED TO
25 READ AS FOLLOWS:

26 (1) Sections 1 to 11 of this Act supplement the Uniform Foreign-Country Money
27 Judgments Recognition Act and all provisions except Section 6 of that Act apply

1 to a registration under Sections 1 to 11 of this Act.

2 (2) A person may seek recognition of a Canadian judgment described in Section 3 of
3 this Act either:

4 (a) By registration under Sections 1 to 11 of this Act; or

5 (b) Under Section 6 of the Uniform Foreign-Country Money Judgments
6 Recognition Act.

7 (3) Subject to subsection (4) of this section, a person may not seek recognition in this
8 state of the same judgment or part of a judgment described in subsection (2) or
9 (3) of Section 3 of this Act with regard to the same person under both Sections 1
10 to 11 of this Act and Section 6 of the Uniform Foreign-Country Money
11 Judgments Recognition Act.

12 (4) If the court grants a petition to vacate a registration solely on a ground under
13 subsection (2)(b) of Section 7 of this Act, the person seeking registration may:

14 (a) If the defect in the registration can be cured, file a new registration under
15 Sections 1 to 11 of this Act; or

16 (b) Seek recognition of the judgment under Section 6 of the Uniform Foreign-
17 Country Money Judgments Recognition Act.

18 ➔SECTION 10. A NEW SECTION OF KRS CHAPTER 426A IS CREATED
19 TO READ AS FOLLOWS:

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

23 ➔SECTION 11. A NEW SECTION OF KRS CHAPTER 426A IS CREATED
24 TO READ AS FOLLOWS:

25 Sections 1 to 11 of this Act shall apply to the registration of a Canadian judgment
26 entered in a proceeding that is commenced in Canada on or after the effective date of
27 this Act.

1 ➔Section 12. This Act takes effect January 1, 2025.