

## ARIZONA ENFORCEMENT OF FOREIGN JUDGMENTS ACT

### 12-1702. Filing and status of foreign judgments.

A copy of any foreign judgment authenticated in accordance with the act of Congress or the statutes of this state may be filed in the office of the clerk of any superior court of this state. The clerk shall treat the foreign judgment in the same manner as a judgment of the superior court of this state. A judgment so filed has the same effect and is subject to the same procedures, defenses and proceedings for reopening, vacating, or staying as a judgment of a superior court of this state and may be enforced or satisfied in like manner.

Last Legislative Year: 1971

### 12-1704. Stay of enforcement of judgment.

A. If the judgment debtor shows the superior court that an appeal from the foreign judgment is pending or will be taken, or that a stay of execution has been granted, the court shall stay enforcement of the foreign judgment until the appeal is concluded, the time for appeal expires, or the stay of execution expires or is vacated, upon proof that the judgment debtor has furnished the security for the satisfaction of the judgment required by the state in which it was rendered.

B. If the judgment debtor shows the superior court any ground upon which enforcement of a judgment of any superior court of this state would be stayed, the court shall stay enforcement of the foreign judgment for an appropriate period, upon requiring the same security for satisfaction of the judgment which is required in this state.

C. No execution or other process for enforcement of a foreign judgment filed under section 12-1702 shall issue until twenty days after the date the judgment creditor mails the notice of filing of the foreign judgment and files proof of mailing with the clerk as required under section 12-1703.

Last Legislative Year: 1997

## RULES OF PROCEDURE FOR THE RECOGNITION OF TRIBAL COURT CIVIL JUDGMENTS

### Rule 5. Recognition of tribal judgments.

#### Rules text

(a) Enforcement of tribal judgment. A tribal judgment, unless objected to in accordance with Rule 4, shall be recognized and enforced by the courts of this state to the same extent and shall have the same effect as any judgment, order, or decree of a court of this state.

(b) Certification by clerk of court. If no objections are timely filed, the clerk shall issue a certification that no objections were timely filed, and the tribal judgment shall be enforceable in the same manner as if issued by the superior court.

(c) Mandatory considerations following objection. A tribal judgment shall not be recognized and enforced if the objecting party demonstrates to the court at least one of the following:

1. The trial court did not have personal or subject matter jurisdiction.
2. The defendant was not afforded due process.

(d) Discretionary considerations following objection. The superior court may, in its discretion, recognize and enforce or decline to recognize and enforce a tribal judgment on equitable grounds, including:

1. The tribal judgment was obtained by extrinsic fraud.
2. The tribal judgment conflicts with another final judgment that is entitled to recognition.
3. The tribal judgment is inconsistent with the parties' contractual choice of forum.
4. Recognition of the tribal judgment or the cause of action upon which it is based is against fundamental public policy of the United States or the State of Arizona.

Recent legislative history: Adopted May 31, 2000, effective December 1, 2000.