

Overview – Objecting to Registration of Foreign Judgment

General Information:

If another party has obtained a judgment against you, that party may “register” that judgment in a New Hampshire court and seek enforcement of it in the courts of New Hampshire. This is because judgments from other states are entitled to “full faith and credit” here in New Hampshire much the same way that a judgment from a New Hampshire court would be enforceable in another state.

The judgment must be within the jurisdiction of the Circuit Court. The Circuit Court’s jurisdiction is \$25,000 therefore to be filed in the Circuit Court the judgment must be for no more than \$25,000. If the judgment amount exceeds \$25,000 it must be registered (filed) in the Superior Court for the County in which the party against whom judgment has been rendered resides.

Once the judgment from the other state has been filed here in New Hampshire, the Clerk’s office will mail a notice to the party owing the judgment (sometimes referred to as the judgment debtor) that the judgment has been filed. You are likely reviewing this overview because you have received such a notice. The court in New Hampshire will not take any action on the judgment for a period of 15 days and will not allow the other party to attempt to take action for that period of time. After those 15 days have passed, however, if nothing has occurred which would cause the New Hampshire court to stay, or postpone, the enforcement of the other state’s judgment, the other party may seek to enforce, which generally means to collect, the judgment against you. The judgment from the other state will be treated as if it were obtained here.

If another party has obtained a judgment in another state and has sought to register it here, you might wonder “Can I object?” The answer is yes; however the court in New Hampshire is not going to give you the chance to have a new trial in the case or allow you to challenge the underlying facts of the case. As far as the court in New Hampshire is concerned, the judgment exists and only something that would cause the court in the other state to stay/postpone execution of that judgment will cause the court in New Hampshire to do the same.

What could cause the court here in New Hampshire to “stay” or postpone the other party’s collection efforts? If you are able to show that an appeal of the judgment from the other state is pending or will be taken OR that a stay of execution has been granted in the other state, the court here in New Hampshire will not allow the other party to take further action here until that has been resolved. In addition, if you can show the court here that there is a ground upon which a judgment *in this state* would be stayed, then the other party will not be able to take further action until that issue is resolved here. For example, if you challenge the notice received in the other state and indicate a desire to challenge the judgment, this could be a basis upon which a New Hampshire court would stay collection. Again, however, the court here is not going to re-litigate the facts of the case. The court here will recognize the factual findings of the out of state court. It will not be a ground for objection that the court in the other state has misconstrued the facts of the case or that the other party did not prove the case or that you do not owe the money. Any challenges of that nature must be made in the other state.

For Further Information:

If you have questions, please contact the Information Center at 1-855-212-1234.