

THE TWENTY-SIXTH LEGISLATURE OF AMERICAN SAMOA

Fourth Regular Session

**Begun and held at Fagatogo, Tutuila American Samoa
on Monday, the tenth day of July
the year two thousand**

**AN ACT ESTABLISHING THE UNIFORM FOREIGN-MONEY
JUDGMENTS RECOGNITION ACT, CREATING CHAPTER 19 UNDER 43,
ASCA.**

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. There is created a Chapter 19 under Title 43 ASCA which reads:

“Chapter 19

UNIFORM FOREIGN MONEY JUDGMENTS RECOGNITION ACT

Sections:

- | | |
|---------|---|
| 43.1901 | Definitions. |
| 43.1902 | Applicability. |
| 43.1903 | Recognition and enforcement. |
| 43.1904 | Grounds for non-recognition. |
| 43.1905 | Personal jurisdiction. |
| 43.1906 | Stay in case of appeal. |
| 43.1907 | Saving clause. |
| 43.1908 | Uniformity of interpretation. |
| 43.1909 | Short title. |
| 43.1910 | Application to judgments in effect on effective date. |

43.1901 Definitions.

As used in this chapter:

- (a) "Foreign state" means any governmental unit other than the United States, or any state, district, commonwealth, territory, or insular possession thereof, or the Panama Canal Zone, the Trust Territory of the Pacific Islands, or the Ryukyu Islands.
- (b) "Foreign judgment" means any judgment of a foreign state granting or denying recovery of a sum of money, other than a judgment for taxes, a fine or other penalty, or a judgment for support in matrimonial or family matters.

43.1902 Applicability.

This chapter applies to any foreign judgment that is final and conclusive and enforceable after the appeal is taken.

43.1903 Recognition and enforcement.

Except as provided in 43.1904, a foreign judgment meeting the requirements of 43.1902 is conclusive between the parties to the extent that it grants or denies recovery of a sum of money. The foreign judgment is enforceable in the same manner as the judgment of a sister state or territory of the United States which is entitled to full faith and credit.

43.1904 Grounds for non-recognition.

- (a) A foreign judgment is not conclusive if:
 - (1) the judgment was rendered under a system which does not provide impartial tribunals or procedures compatible with the requirements of due process of law;
 - (2) the foreign court did not have personal jurisdiction over the defendant; or
 - (3) the foreign court did not have jurisdiction over the subject matter.
- (b) A foreign judgment need not be recognized if:
 - (1) the defendant in the proceedings in the foreign court did not receive notice of the proceedings in sufficient time to enable him to defend;
 - (2) the judgment was obtained by fraud;

- (3) the claim for relief on which the judgment is based is repugnant to the public policy of this state;
- (4) the judgment conflicts with another final and conclusive judgment;
- (5) 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 that court; or
- (6) in the case of jurisdiction based only on personal service, the foreign court was a seriously inconvenient forum for the trial of the action.

43.1905 Personal jurisdiction.

- (a) The foreign judgment shall not be refused recognition for lack of personal jurisdiction if:
 - (1) the defendant was served personally in the foreign state;
 - (2) the defendant voluntarily appeared in the proceedings, other than for the purpose of protecting property seized or threatened with seizure in the proceedings or of contesting the jurisdiction of the court over him;
 - (3) the defendant prior to the commencement of the proceedings had agreed to submit to the jurisdiction of the court over him;
 - (4) the defendant was domiciled in the foreign state 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 state the defendant had a business office in the foreign state and the proceedings in the foreign court involved a claim for relief arising out of business done by the defendant through that office in the foreign state; or
 - (5) the defendant operated a motor vehicle or airplane in the foreign state and the proceedings involved a claim for relief arising out of such operation.
- (b) The courts of this state may recognize other bases of jurisdiction.

43.1906 Stay in case of appeal.

If the defendant proves to the court that either that an appeal is pending or that he is entitled and intends to appeal from the foreign judgment, the court may stay the 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.

43.1907 Saving clause.

This chapter does not prevent the recognition of a foreign judgment in situations not covered by this chapter.

43.1908 Uniformity of interpretation.

This chapter shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it

43.1909 Short title.

This chapter may be cited as the Uniform Foreign Money Judgments Recognition Act.

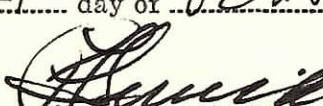
43.1910 Application to judgments in effect on effective date.

This chapter shall apply to all foreign judgments in effect on the date this chapter becomes effective as well as all judgments rendered after such date."


Lutu Tenari S. Fumaono
PRESIDENT OF THE SENATE


Aina Saoluaga T. Nua
SPEAKER OF THE HOUSE

Hereby Approved this 27th day of October, 2000


Governor of American Samoa

NOFOAIGA LUASEFULU-ONO FONOFAITULAFONO O AMERIKA SAMOA

Fono Tele Lona Fā

**Nefoia ma usuia i Fagatogo, Tutuila, Amerika Samoa
Aso Gafua, aso sefulu o Iulai
tausaga lua afe**

O SE TULAFONO FA'APITOA E TAUALOAINA AI I'UGA TUPE MAI FAFO, FA'AVAE AI LE MATA'UPU 19 I LE ULUTALA 43 TTAS.

IA FA'ATULAFONOINA E LE FONO FAITULAFONO O AMERIKA SAMOA:

- Maga 1. Ua fa'avaeina se Mata'upu 19 ilalo o le Ulutala 43 TTAS e faitauina:

"Mata'upu 19 = = =

TULAFONO FA'APITOA E TAUALOAINA AI I'UGA O TUPE MAI FAFO

Maga:

- 43.1901 Fa'apūpulaga.
- 43.1902 Fa'aaogaina.
- 43.1903 Taualoaina ma le fa'amalosiaina.
- 43.1904 Mafua'aga mo le lē aloa'ia.
- 43.1905 'Aiā fa'apitoa.
- 43.1906 Tolo i se tulaga o le apili.
- 43.1907 Aiaiga aloa'ia.
- 43.1908 Ogatasi o fa'apupulaga.
- 43.1909 Ulutala pu'upu'u.
- 43.1910 Fa'atatau i i'uga ua taualoaina i le aso e taualoa ai.

43.1901 Fa'apupūlāga.

E pei ona fa'aaogaina i le mata'upu:

(a) "Setete i fafo" o lona uiga o so'o se iunite (unit) fa'aleinalo e 'ese mai ai le lunaite Setete, po'o i so'o se setete, itumalo, iunite fa'aleinalo (commonwealth), territori, po'o sona motu pulea, po'o le Sone o Kanala o Panama, le Teritori o Tarasi o Motu o le Pasefika, po'o le Motu o Ryuku;

(e) "I'uga mai fafo" o lona uiga o so'o se i'uga a se setete i fafo na taliaina ai pe na te'ena ai o le toe totogia o se aofa'iga o tupe, e 'ese mai ai se i'uga mo lafoga, se salatupe po'o isi fa'asalaga, po'o se i'uga mo le tausiaina o avā po'o mata'upu fa'ale-aiga.

43.1902 Fa'aaogaina.

O lenei mata'upu e fa'atatau i so'o se i'uga mai fafo ua fa'amauina ma fa'amaonia ma na fa'amalosia ima ua ume oua iloiloina le apili.

43.1903 Taualoaina ma fa'amalosiaina

Vagana ai e pei ona aiaia i le 43.1904, o se i'uga mai fafo e fa'amatelina aiaiga o le 43.1902 ua fa'amaoniaina i le va o itū fa'amasinoga i le tulaga ua taliaina pe ua te'ena ai le fa'aolaina o se aofa'iga tupe. O le i'uga mai fafo o le fa'amalosia i tulaga tutusa e pei o se i'uga a se uso setete po'o se territori o le lunaite Setete e agava'a ai i folafolaga atoatoa ma le fa'atuatuaina e totogi.

43.1904

Mafua'aga mo le lē aloa'aia.

(a) O se i'uga mai fafo e le'i fa'amaoniaina atoatoa pe afai:

(1) o se i'uga na tu'uina atu i lalo o se faiga e le'i tu'uina atu ai se fa'aitu'au o le fa'amasinoga po'o taualumaga e fete'ena'i ma aiaiga o taualumaga tausisia tau le tulafono;

(2) o le fa'amasinoga i fafo na te le'i mauaina le 'aiā i le tagata na moliaina; po'o

(3) o le fa'amasinoga i fafo na te le'i mauaina le 'aiā e iloiloina ai le mata'upu.

(e) O se i'uga mai fafo e lē taualoaina pe afai:

(1) o lē ua molia i iloiloga i le fa'amasinoga i fafo, na te le'i mauaina se fa'aaliga o taualumaga o iloiloga e masai ai e ia ona maua se taimi atoa e puipui ai o ia;

(2) o le i'uga na maua i se faiga fa'a'ole'ole;

(3) o le talosaga mo se fa'asa'oga fa'ale-tulafono ua fa'avaeina ai se i'uga e fete'ena'i ma taualumaga tausisia lautele a lenei setete;

(4) o le i'uga e fete'ena'i ma le i'uga fa'ai'u ma 'autasia;

(5) o le taualumaga o iloiloga i le fa'amasinoga i fafo e fete'ena'i ma se malilienga na aiaia i le va o itū fa'amasinoga, ma i lalo o lea tulaga, o le 'ese'esega o iloiloga o le a fo'ia i tua nai le taualumaga o iloiloga i lena fa'amasinoga;

(6) po'o i le tulaga o le 'aiā e masai ai ona iloilo ai e fa'avae tau lava i le taua'aoina o le fa'aaliga fa'apitoa, o le fa'amasinoga i fafo e lē o se nofoaga matuā talafeagai lea mo le iloiloina o lenei mata'upu.

43.1905 'Aiā fa'apitoa.

(a) O le i'uga mai fafo e lē tatau ona te'ena le taualoaina ona mo le leai o se 'aiā fa'apitoa pe afai:

(1) o lē ua molia na tu'uina atu ia te ia fa'aaliga i le setete i fafo;

(2) na fa'atasi atu i ai lē ua molia i iloiloga i lona lava lotomalie, e 'ese mai ai nai le fa'amoemoe o le puipuia o meatotino ua 'ave fa'amalosia pe ua fa'amata'uina a ē 'ave fa'amalosi i taualumaga po'o le te'ena o le 'aiā o le fa'amasinoga ia te ia;

(3) o lē ua molia ae le'i amataina taualumaga o iloiloga na lotomalie e gaua'i i le malosi o le fa'amasinoga i fafo e fa'atatau i mata'upu ua a'afia ai;

(4) o lē ua molia na alaala i le setete i fafo ina ua fa'atulagaina taualumaga o iloiloga, po'o o se totino koporesi na i ai sona nofoaga autu o le pisinisi, na tu'u fa'asia, pe na urmia lona tulaga fa'akoporesi e 'ese mai ai le setete i fafo; o lē ua molia na i ai se ofisa o le pisinisi i le setete i fafo ma o taualumaga o iloiloga i fa'amasinoga i fafo na a'afia ai se talosaga mo le fa'asa'oina fa'ale-tulafono o se mea sesē na tulai'i mai i pisinisi na faia e lē ua molia e ala i lena ofisa i le setete i fafo;

(5) pe o lē ua molia na aveina se ta'avale afa po'o se va'alele i se setete i fafo ma o taualumaga a'o iloiloga na aofia ai se talosaga mo se totogi ua sesē na tulai'i mai i le fa'agacioiga o lea pisinisi.

(e) O fa'amasinoga o lenei setete e mafai ona aloa'ia isi fa'avae o 'aiā.

43.1906 Tolo i se tulaga o le apili.

Afai ua fa'amalieina e lē ua molia le fa'amasinoga pe o se apili o lo'o fa'atalitali pe o ta'uagava'aina fo'i o ia ma le fa'amoemoe e apili mai se i'uga mai fafo, e mafai e le fa'amasinoga ona taofia taualumaga o iloiloga se'ia vagana ua iloiloina le apili pe se'i vagana fo'i ua fa'ainutaina se piriota o le taimi atofaina e mafai ai e lē ua molia ona faia se apili.

43.1907 Aiaiga aloa'ia.

O lenei mata'upu o le a lē taofia ai le aloa'iaina o se i'uga mai fafo i tulaga e lē o aofia i lenei mata'upu.

43.1908 Ogatasi ma fa'apupulaga.

O lenei mata'upu o le a fa'apea ona fa'auigaina ina ia fa'ataunu'u ai ona fa'amoemoega lautele ina ia ogatasi ma tulafono na aiaia e ia setete.

43.1909 Ulutala pu'upu'u.

O lenei mata'upu e mafai ona tā'ua o le Tulafono Fa'apitoa e Taualoaina ai i'uga Tupe mai Fafe.

43.1910 Fa'atatau i i'uga ua taualoaina i le aso e taualoa ai.

O lenei mata'upu o le a fa'atatau i i'uga uma mai fafo ua taualoaina i le aso e taualoa ai lenei mata'upu aemaise i'uga uma o le a aiaia pe a inavae lenei aso.

Luta Tenari S. Fuimaono
PERESETENE, MAOTA MATALUGA

Aina Saoluaga T. Nua
FOFOGA FETALAI, MAOTA O SUI

Hereby Approved this 27th day of October, 2010

Governor of American Samoa