HANIL BANK	*	IN THE
Plaintiff	*	CIRCUIT COURT
v.	*	FOR
BYONG S. YOO & SOON HI YOO	*	HOWARD COUNTY
Defendants	*	Case No. 13-C-05-63070

* * * * * * * * * * * * *

MEMORANDUM

On August 31, 2005, Plaintiff filed a request in this Court to enroll a foreign judgment from the Supreme Court of New York County. The New York judgment in the amount of $198,331.34 was issued on April 26, 1989. On September 15, 2005, this Court entered an Order enrolling the New York judgment. Defendants had filed a Motion to Dismiss on September 8, 2005, that had not been placed in the court file at the time the Order was entered. Therefore, the Court had not considered the Motion to Dismiss before entering the Order.

On September 27, 2005, Defendants filed a Motion to Vacate the Order enrolling the New York Judgment, alleging the same grounds as they had in their Motion to Dismiss. Specifically, Defendants argued that the twelve-year statute of limitations on enrolling judgments had expired, and that no exception should be implied for foreign judgments. *See* Md. Code Ann. Cts. & Jud.

Proc. § 5-102(a)(3). In response, Plaintiff alleged that the Order should not be vacated on two grounds. First, Plaintiff argued that § 5-102 does not expressly apply to foreign judgments. Second, Plaintiff suggested that the Court could not constitutionally apply § 5-102 to the foreign judgment in this case.

To be sure, there is no statute of limitations within Maryland's Uniform Enforcement of Foreign Judgments Act. Md. Code Ann. Cts. & Jud. Proc. §11-801 *et. seq*. However, § 5-102 states that "[a]n action on one of the following specialties shall be filed within 12 years after the cause of action accrues." §5-102(a)(3) goes on to list "judgment" as one of those enumerated specialties. Plaintiff suggests that since § 5-102 is not located within the Uniform Enforcement of Foreign Judgments Act, it does not apply to foreign judgments. Plaintiff presents no other argument beyond the location of § 5-102 in the Code to suggest that a "foreign judgment" should not be considered a "judgment" pursuant to § 5-102.

If § 5-102 did not apply to foreign judgments, all deference would have to be given to what, if any, statute of limitations applied in the jurisdiction of origination, while a twelve-year statute of limitations would restrict the enforcement of judgments by the courts of Maryland. In effect, some foreign judgments would remain enforceable in Maryland longer than

judgments originally issued by Maryland courts. This Court does not find this to be a reasonable interpretation of the law as it stands. Further, it is apparent to this Court that the plain language of "judgment" in § 5-102 must necessarily include "foreign judgments," a subcategory of "judgments." Therefore, this Court holds that the twelve-year statute of limitations in § 5-102 does apply to the enrollment of foreign judgments.

Plaintiff's second argument is that the statute of limitations in § 5-102 may not apply to the judgment in this case without violating the Full Faith and Credit Clause of the United States Constitution. U.S. Const. Art IV, § 1. As such, Plaintiff suggests that the twenty-year statute of limitations on money judgments in New York should control. N.Y. C.P.L.R § 211. However, it is well-settled that the Full Faith and Credit Clause does not prohibit states from applying their own statutes of limitations in inter-jurisdictional cases. *See Sun Oil Co. v. Wortman*, 486 U.S. 717, 722 (1988) ("[t]his Court has long and repeatedly held that the Constitution does not bar application of the forum State's statute of limitations to claims that in their substance are and must be governed by the law of a different State.") (citing *Wells v. Simonds Abrasive Co.*, 345 U.S. 514, 516-18 (1953); *Townsend v. Jemison*, 50 U.S. 407 (1850); *McElmoyle v. Cohen*, 38 U.S. 312 (1839)). As such, this Court holds today that the Full Faith and Credit Clause of the United States

Constitution does not preclude this action from being barred by Maryland's twelve-year statute of limitations.

Given this constitutional framework, many jurisdictions apply their own statutes of limitations when determining whether to enroll a foreign judgment. *See e.g. Alexander Constr. Co v. Weaver*, 3 Kan. App. 2d 298, 594 P.2d 248 (Kan. Ct. App. 1979) (holding that the Kansas statute of limitations barred the enrollment of a Colorado judgment even when the Colorado statute of limitations had not yet expired); *Citibank (South Dakota), N.A. v. Phifer*, 181 Ariz. 5, 6, 887 P.2d 5, 6 (Ariz. Ct. App. 1994) ("Arizona courts have held that its own statute of limitations applies even if it bars the enforcement of a judgment filed under the Uniform Enforcement of Judgments Act."); *Rion v. Mom and Dad's Equipment Sales and Rentals, Inc.*, 116 Ohio App. 3d 161, 687 N.E.2d 311 (Ohio Ct. App. 1996) (enrollment of a Florida judgment was an "action upon a specialty" and as such was barred by Ohio's fifteen-year statute of limitations on specialty actions). Similarly, this Court finds that the rule in this jurisdiction is to apply the Maryland statute of limitations to foreign judgments.

Since the Full Faith and Credit Clause does not bar a state from setting a time limit for enforcing foreign judgments, and since § 5-102 provides a twelve-year statute of limitations for

all actions to enforce judgments, the Order enrolling the foreign judgment shall be vacated.

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Dennis M. Sweeney
Judge

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