

STATE OF MICHIGAN
COURT OF APPEALS

VALERI GUEORGUIVE PETKOV,

Plaintiff-Appellee,

v

DANIELA PANOVA PETKOVA,

Defendant-Appellant.

UNPUBLISHED

January 15, 2009

No. 281419

Isabella Circuit Court

LC No. 06-005202-DM

Before: Talbot, P.J., and Bandstra and Gleicher, JJ.

PER CURIAM.

Defendant appeals as of right a judgment of divorce issued by the Isabella Circuit Court. We affirm. This appeal has been decided without oral argument pursuant to MCR 7.214(E).

Plaintiff and defendant were married in Sofia, Bulgaria. Plaintiff immigrated to the United States in 1998; defendant and their son followed a year later. Defendant returned to Bulgaria shortly thereafter and the parties have effectively lived apart since then, with the exception of sporadic visits by defendant to the United States. Plaintiff sued for divorce in Michigan. While that case was pending, defendant initiated a divorce in Bulgaria and obtained a judgment there before this case was concluded. Defendant offered the Bulgarian judgment into evidence at the trial in this case, but did not ask the court to take any action regarding it. Defendant now argues that the Bulgarian judgment is entitled to enforcement under the Uniform Enforcement of Foreign Judgments Act (UEFJA), MCL 691.1171 *et seq.*, and that the Michigan judgment should be vacated to the extent that it is inconsistent with it. We disagree.

A “foreign judgment” is defined as “any judgment, decree, or order of a court of the United States or of any other court that is entitled to full faith and credit in this state.” MCL 691.1172. Only judgments of sister states are entitled to full faith and credit in this state under US Const, art IV, § 1. Judgments of foreign countries are not subject to the Full Faith and Credit Clause. *Electrolines, Inc v Prudential Assurance Co, Ltd*, 260 Mich App 144, 152; 677 NW2d 874 (2003). While judgments recognized under the Uniform Foreign-Country Money Judgments Recognition Act (UFCMJRA), MCL 691.1131 *et seq.*, are enforceable under the UEFJA, MCL 691.1137; MCL 691.1173, the UFCMJRA does not apply to a divorce judgment. MCL 691.1133(2)(c). A judgment of a foreign country may be recognized under principles of comity, *Dart v Dart*, 460 Mich 573, 580-581; 597 NW2d 82 (1999); *Bang v Park*, 116 Mich App 34, 38-39; 321 NW2d 831 (1982), but that does not make it enforceable under the UEFJA because it does not meet the definition of a “foreign judgment” under § 2 of that act. Even if the Bulgarian

judgment were subject to enforcement under the UEFJA, defendant has not shown that she complied with any of the procedural steps required by that act for obtaining enforcement. See MCL 691.1173; MCL 691.1174. Accordingly, defendant has failed to establish entitlement to relief.¹

Affirmed.

/s/ Michael J. Talbot
/s/ Richard A. Bandstra
/s/ Elizabeth L. Gleicher

¹ We deny plaintiff's request for costs for a vexatious appeal pursuant to MCR 7.216(C). Such a request must be made in an appropriate motion under MCR 7.211(C)(8).