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CONFLICT OF LAWS

*Joseph Dainow**

In the case of *Universal C.I.T. Credit Corp. v. Hulett*,¹ an automobile purchased in Indiana was repossessed in Louisiana as a result of default in payments, and after resale in Indiana a suit for the deficiency was brought in Louisiana. According to Louisiana law, a sale made without appraisal precludes the right to claim a deficiency, and in the application of this rule plaintiff's suit was dismissed. The decision and the problems in this case stimulated a more extensive examination of issues involved, which appears elsewhere in this issue.²

Another conflicts case involving a much less controversial issue was *Lee v. Carroll*,³ where suit was brought in Louisiana for the recognition of a money judgment rendered in Mississippi. Under the full faith and credit clause of the United States Constitution, one state must recognize a good judgment rendered in a sister state, but it has been long established that a judgment obtained by means of fraud is not a good judgment for such compulsory recognition. In the present case, the Mississippi judgment had been procured in violation of a promise to take no further proceedings without notifying the defendant, and this was held to constitute such fraud as to bring the case within the exception to full faith and credit. The fraud prevented a real contest on the subject matter of the action. This kind of *extrinsic* fraud is distinguished from *intrinsic* fraud, which might have been pleaded in the original action and cannot be relitigated in a sister-state suit on the judgment.

In *Succession of Martin*,⁴ there was an estate consisting of property in Arkansas and Louisiana, and a legacy to a fraction of the whole estate had been renounced in an instrument which conformed to the requirements of Arkansas law but which did not comply with Louisiana law. Applying the generally accepted conflicts rule that matters concerning title and disposition of land are determined in accordance with the law of the situs, the court found the renunciation ineffective as to Louisiana land so that the heirs of the legatee were now entitled to it.

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1. 151 So.2d 705 (La. App. 3d Cir. 1963).

2. See Dainow, *Variations on a Theme in Conflict of Laws*, *supra* p. 157.

3. 146 So.2d 242 (La. App. 3d Cir. 1962).

4. 147 So.2d 53 (La. App. 2d Cir. 1962); "writ refused . . . result . . . correct," 243 La. 1003, 149 So.2d 763 (1963).