TITLE 30 – CIVIL REMEDIES AND SPECIAL PROCEEDINGS
CHAPTER 1 - ENFORCEMENT OF JUDGMENTS

Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

ENFORCEMENT OF JUDGMENTS ACT

Arrangement of Sections

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ENFORCEMENT OF JUDGMENTS ACT

AN ACT to provide for the enforcement of judgments of the courts of the Republic.

Commencement:	*Not Specified*
Source:	*TTC 1966*
Amended By: *8 TTC 1970*	*COM P.L. 4C-21 (1972)*
COM P.L. 4C-34 (1972)	*COM P.L. 6-97 (1976)*
8 TTC 1980 *P. L. 2007-77*	*P. L. 2009-27*

PART I - GENERAL PROVISIONS

§101. Short Title.

This Chaptermay be cited as the "Enforcement of Judgments Act" **[Note: Section 1 was added to conform this Act to the format of this Revised Code]**

§102. Money judgments.

A judgment for the payment of money shall be a lien upon the personal property of the judgment debtor and shall bear interest at the rate of nine percent (9%) a year from the date it is filed. The process to enforce a judgment for the payment of the money may be a writ of execution or an order in aid of judgment, as provided in Part II of this Chapter .**[TTC 1966, §282; 8TTC 1970, §1; COM P.L. 6-97, §1 (1976); 8TTC 1980, §1, modified.][amended by P.L.2009-27]**

§103. Judgment affecting land.

A judgment adjudicating an interest in land shall, after the time for appeal has expired without notice of appeal being filed or after any appeal duly

taken has been finally determined or after an order entered that an appeal shall not stay the judgment, operate the release or transfer of any interest in land in accordance with the terms of the judgment when filed. **[original provision Repealed by P.L. 2003-92][re-enacted by P.L. 2009-27].**

§104. Enforcement by Contempt.

A Judgment for any form of relief may be enforced by contempt proceedings, provided, that enforcement at such time is required to prevent irreparable injury or multiple damage to the interests of the winning party and is otherwise in the interests of justice. Upon a finding of contempt, the person against whom the judgment has been offered may be fined or imprisoned at the discretion of the Court until he or she complies with the judgment or is released by the Court or has been imprisoned for six (6) months, whichever is happens first. **[TTC 1966, §284; 8TTC 1970, §3; COM P.L. 4C-34 (1972), §1; 8 TTC 1980, §3.][amended by P.L. 2009-27]**

§105. Other methods of enforcement.

Enforcement of judgment may also be affected, if the High Court deems justice requires and so orders by the appointment of a receiver, or receivers, by taking possession of property and disposing of it in accordance with the orders of the Court, or by a civil action on the judgment, or in any other manner known to American common law or in the courts in the United States. **[TTC 1966, §285; 8TTC 1970, §4; 8TTC 1980, §4, modified.]**

PART II- ATTACHMENTS; EXECUTION; ORDERS IN AID OF JUDGMENT

§106. Writs of attachment.

(1) Writs of attachment may be issued only by the High Court for special cause shown, supported by statement in the High Court under oath. Such writs when so issued shall authorize and require the Chief of Police, any policeman, or other person named therein, to attach and safely keep so much of the personal property of the person against whom the writ is issued as will be sufficient to satisfy the demand set forth in the action, including interest and costs. The Chief of Police, policeman, or other person named in the writ shall not attach any

personal property which is exempt from attachment, nor any kinds or types of personal property which the Court may specify in the writ.

(2) Debts payable to the defendant may be similarly attached by special order issued by the High Court, which shall exempt from the attachment so much of any salary or wages as the Court deems necessary for the support of the person against whom the order is issued or his dependents. **[TTC 1966, §280; 8TTC 1970, §51; 8TTC 1980, §51, modified.]**

§107. Release and modification.

The High Court, upon application of either party or of its own motion, may make and, from time to time, modify such orders as it deems just for the release of property from attachment or for the sale thereof if perishable or if the owner of the property shall so request, and for the safekeeping of the proceeds of the sale. **[TTC 1966, §281; 8TTC 1970, §52; 8TTC 1980, §52, modified.]**

§108. Writs of execution.

Every court, at the request of the party recovering any civil judgment in that court for the payment of money, shall issue a writ of execution against the personal property of the party against whom the judgment has been rendered, except as provided in Section 116 of this Chapter . **[TTC 1966, §286; 8TTC 1970, §53; COM P.L. 4C-21, §1 (1972); 8TTC 1980, §53, modified.]**

§109. Levying execution.

The Chief of Police, and every policeman or other person duly authorized, receiving a writ of execution issued by any court, shall levy or cause the Chief of Police or policeman to levy execution as follows:

(a) He shall demand of the person against whom the execution is issued, if he may be found within the Local Government Area where the levy is being attempted, that the person pay the execution or exhibit sufficient property subject to execution. If such person has property of a kind exempt from execution but to an amount exceeding the exemption, he may select the portion of this property provided by law which he desires to retain under the exemption, providing he makes this selection known promptly to the person making the levy. Otherwise, the person making the levy shall make the selection. If the person against whom the execution is issued does not pay the

execution in full, including interest and costs and expenses thereof, the person making the levy shall take into his possession property of the person against whom the execution is issued, not exempt from execution, sufficient in his opinion to cover the amount of the execution. He shall take first any property under attachment in the action in which the execution was issued; next, property, if any, indicated by the person against whom the execution was issued. He may, if he thinks best, remove the property to a safe place, or place a caretaker in charge of it. He shall make a list of the property levied upon.

(b) The person making the levy shall, after levy, give public notice of the sale at least seven (7) days in advance of the time and place of sale, by notifying the mayor of the Local Government Area or areas in which the levy was made, by posting a written notice of the sale in a conspicuous place at or near the local government office in the Local Government Area in which the sale is to be held, and must notify the person against whom the execution is issued, if he can be found within the Local Government Area or areas where the levy was made, or notify any agent who had custody of the property levied upon at the time of levy.The person making the levy shall, after levy, also give ten (10) days written notice of the time and place of sale by mail or personal delivery to any secured party who has, prior to the levy, filed a notice of security interest that identifies the levied property pursuant to Section 531 of Title 24 MIRC.

(c) The person making the levy on the day and at the place set for the sale, unless payment has been made of the amount of the judgment and interest and the costs and expenses in connection with the levy, shall sell the property levied upon at public auction to the highest bidder. He shall deduct from the proceeds of the sale sufficient money for the full payment of his fees and expenses and any amounts owed to secured parties who have filed notice of or perfected security interests in the property prior to levy and prior to any notice of lien filed by the person making the levy pursuant to paragraph 4.b of Section 531 of Title 24 MIRC, and shall then pay the person

in whose favor the execution was issued, or his counsel, such balance as remains up to the amount due on the execution. If there are any proceeds of the sale left after the deduction and payment directed above, such remaining proceeds shall be paid over to the person against whom the execution was issued. The person making the levy shall then return the writ to the court with a report of his doings thereon, showing the amounts collected and paid out thereon.

(d) Whenever a request in writing signed by the debtor and creditor for a postponement of the sale to an agreed date and hour is given to the person conducting the sale under execution, such person shall thereupon by public declaration postpone the sale to the day and hour so fixed in such request and at the place originally fixed by the person for the sale. In the case of postponements, notice of each thereof must be given by public declaration by the person conducting the sale at the time and place last appointed for the sale.The person making the sale must also give ten (10) days written notice in advance of the postponed time of sale by mail or personal delivery to each secured party entitled to notice by subsection (b) above.No other notice of postponed sale need be given.

(e) If the Chief of Police, a policeman or other person duly authorized starts to levy execution and for any reason is prevented from or fails to complete the matter, the Chief of Police, a policeman or other person duly authorized may complete the levy, sale, and payment of proceeds as provided in this Section.**[TTC 1966, §287; 8TTC 1970, §54; COM P.L. 4C-21, §2 (1972); 8TTC 1980, §54, modified.][Amended by P.L. 2007-77].**

§110. Orders in aid of judgment; application.

At any time after a finding for the payment of money by one party to another, and before any judgment based thereon has been satisfied in full, either party may apply to the court for an order in aid of judgment. Thereupon the court, after notice to the opposite party, shall hold a hearing on the question of the debtor's ability to pay and determine the fastest manner in which the debtor can reasonably pay a judgment based on the finding. In making this determination the court shall allow the debtor to retain such property and such portion of his income as may be necessary to

provide the reasonable living requirements of the debtor and his dependents, including fulfillment of any obligations he may have to any clan, lineage, or other similar group, in return for which obligations he, or his dependents, receive any necessary part of the food, goods, shelter or services required for their living. **[TTC 1966, §289; 8TTC 1970 §55; 8TTC 1980, §55.]**

§111. Same; hearings.

(1) At the hearing provided by Section 110 of this Chapter, the debtor may be examined orally before the court, or the court may refer the examination to a single judge of the court or to a master to take evidence and report his findings. In either case any evidence properly bearing on the question may be introduced by either party or by the court, the single judge or master, in the same manner as at the trial of a civil action. Upon having heard the evidence or having received the report of the single judge or master, the court shall make such order in aid of judgment as is just for the payment of any judgment based on the finding.

(2) This order in aid of judgment may provide for the transfer of particular assets at a price determined by the court, or for the sale of particular assets and payment of the net proceeds to the creditor, or for payments, in specified installments on particular dates or at specified intervals, or for any other method of payment which the court deems just.**[TTC 1966, §290; 8TTC 1970, §56; COM P.L. 4C-21, §3 (1972); 8TTC 1980, §56.]**

§112. Same; modification of orders.

Any order in aid of judgment made under this Part may be modified by the court as justice may require, at any time, upon application of either party and notice to the other, or on the court's own motion. **[TTC 1966, §291; 8TTC 1970, §57; 8TTC 1980, §57.]**

§113. Same; punishment of violations.

If any debtor fails without good cause to comply with any order in aid of judgment made under this Part, he may be adjudged in contempt as a civil matter, after notice to show cause why he should not be so adjudged and an opportunity to be heard thereon, and upon such adjudication shall be committed to jail until he complies with the order or is released by the court

or serves a period fixed by the court of not more than six (6) months in jail, whichever happens first. **[TTC 1966, §292; 8TTC 1970, §58; 8TTC 1980, §58.]**

§114. Same; stay of execution.

(1) After an application for an order in aid of judgment has been filed in any action, no writ of execution shall be issued therein except under an order in aid of judgment as provided in this Part, or by special order of the court for cause shown.

(2) If a writ of execution is outstanding, a judgment creditor applying for an order in aid of judgment shall file the writ of execution with his application, and a judgment debtor applying for an order in aid of judgment may request a stay of execution which may be granted by the court on such terms, if any, as it deems just. **[TTC 1966, §293; 8TTC 1970, §59; 8TTC 1980, §59.]**

§115. Same; application to Community or District Court.

A judgment creditor who has obtained an execution may, instead of applying to the court in which the action was tried, apply for an order in aid of judgment to the District Court or Community Court within whose jurisdiction the judgment debtor lives or has his usual place of business or employment. The court so applied to shall then proceed with notice to the opposite party, hearing, determination, and the issuance of such order in aid of judgment as it deems just, as provided in this Part. **[TTC 1966, §294; 8TTC 1970, §60; 8TTC 1980, §60.]**

§116. Exemptions.

The following described property shall be exempt from attachment and execution:

(a) all necessary household furniture, cooking and eating utensils, and all necessary wearing apparel, bedding, and provisions for household use sufficient for four (4) months;

(b) all tools, implements, utensils, two (2) work animals, and equipment necessary to enable the person against whom the attachment or execution is issued to carry on his usual occupation;

(c) all interests in land, but any interest owned solely by a judgment debtor, in his own right, may be ordered sold or

transferred under an order in aid of judgment if the court making the order deems that justice so requires and finds as a fact that after the sale or transfer, the debtor will have sufficient land remaining to support himself and those persons directly dependent on him according to recognized local custom and the law of the Republic. No person not an indigenous inhabitant of the Republic may acquire an interest in such land, by sale, transfer, or otherwise, exceptwith the prior approval of the Cabinet. **[TTC 1966, §288; 8TTC 1970, §61; 8TTC 1980, §61, modified.]**