

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.

<i>Commencement:</i>	<i>Not Specified</i>
<i>Source:</i>	<i>TTC 1966</i>
<i>Amended By:</i> 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
P.L. 2018-89 P.L. 2021-33	

PART I - GENERAL PROVISIONS

§101. Short Title.

This Chapter may 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 six percent (6%) 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][amended by P.L.2021-33].

§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 [original provision Repealed by P.L. 2003-92][re-enacted by P.L. 2009-27].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 common in the courts in the United States. [TTC 1966, §285; 8TTC 1970, §4; 8TTC 1980, §4, modified.][amended by P.L.2018-89.]

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