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A BILL FOR AN ACT

To amend sections 131 through 134 of title 6 of the Code of the Federated States of Micronesia, and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

1 Section 1. Section 131 of title 6 of the Code of the Federated
2 States of Micronesia is hereby amended to read as follows:

3 "Section 131. Jurisdiction over acts of nonresidents. Any
4 person, corporation, or legal entity, whether or not a
5 citizen or resident of the Trust Territory Federated States
6 of Micronesia, who in person or through an agent does any of
7 the acts enumerated in this subchapter, thereby submits him-
8 self or its personal representative to the jurisdiction of
9 the courts of the Trust Territory Supreme Court of the
10 Federated States of Micronesia as to any cause of action
11 arising from:

12 (1) the transaction of any business within the Trust
13 Territory Federated States of Micronesia;

14 (2) the operation of a motor vehicle within the Trust
15 Territory Federated States of Micronesia;

16 (3) the operation of a vessel or craft within the
17 territorial waters or airspace of the Trust Territory
18 Federated States of Micronesia;

19 (4) fishing or otherwise harvesting resources within
20 the territorial waters, the exclusive fishery zone, or the
21 extended fishery zone of the Federated States of Micronesia;

22 (A 5) the commission of a tortious act within the
23 Trust Territory Federated States of Micronesia;

24 (B 6) contracting to insure any person, property, or
25 risk located within the Trust Territory Federated States of

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- 1 Micronesia at the time of contracting;
- 2 (6 7) the ownership, use, or possession of any real
- 3 estate within the ~~Trust Territory~~ Federated States of Micronesia;
- 4 (7 8) entering into an express or implied contract, by
- 5 mail or otherwise, with a resident of the ~~Trust Territory~~
- 6 Federated States of Micronesia to be performed in whole or
- 7 in part by either party in the ~~Trust Territory~~ Federated
- 8 States of Micronesia;
- 9 (8 9) acting within the ~~Trust Territory~~ Federated States
- 10 of Micronesia as director, manager, trustee, or other
- 11 officer of any corporation organized under the laws of or
- 12 having a place of business within the ~~Trust Territory~~
- 13 Federated States of Micronesia, or as executor or
- 14 administrator of any estate within the ~~Trust Territory~~
- 15 Federated States of Micronesia;
- 16 (9 10) causing injury to persons or property within the
- 17 ~~Trust Territory~~ Federated States of Micronesia arising out
- 18 of an act ~~of~~ or omission outside of the ~~Trust Territory~~
- 19 Federated States of Micronesia by the defendant, provided in
- 20 addition, that at the time of the injury either:
- 21 (a) the defendant was engaged in the solicitation
- 22 or sales activities within the ~~Trust Territory~~ Federated
- 23 States of Micronesia; or
- 24 (b) products, materials, or things processed,
- 25 serviced, or manufactured by the defendant anywhere were used

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1 or consumed within the Trust Territory Federated States
2 of Micronesia; and

3 (10 11) living in the marital relationship within the
4 Trust Territory Federated States of Micronesia notwithstanding
5 subsequent departure from the Trust Territory Federated States
6 of Micronesia, as to all obligations arising for alimony, child
7 support or property rights under chapter 16 of this title, if
8 the other party to the marital relationship continues to reside
9 in the Trust Territory Federated States of Micronesia."

10 Section 2. Section 132 of title 6 of the Code of the Federated
11 States of Micronesia is hereby amended to read as follows:

12 "Section 132. Personal service outside the Trust Territory
13 Federated States of Micronesia. Service of process may be made
14 upon any person subject to the jurisdiction of the ~~courts of~~
15 the Trust Territory Supreme Court of the Federated States of
16 Micronesia under this subchapter by personally serving the
17 summons upon the defendant outside the Trust Territory
18 Federated States of Micronesia. Such service has the same
19 force and effect as though service had been personally made
20 within the Trust Territory Federated States of Micronesia."

21 Section 3. Section 133 of title 6 of the Code of the Federated
22 States of Micronesia is hereby amended to read as follows:

23 "Section 133. Manner of service. Service of summons shall be
24 made under this subchapter in like manner as service within the
25 Trust Territory Federated States of Micronesia by any officer

1 or person authorized to make service of summons in the State or
 2 jurisdiction where the defendant is served. An affidavit of
 3 the server shall be filed with the *court issuing said summons*
 4 Supreme Court of the Federated States of Micronesia stating the
 5 time, manner, and place of service. The ~~the~~ Court may consider
 6 the affidavit or any other competent proofs in determining
 7 whether service has been properly made."

8 Section 4. Section 134 of title 6 of the Code of the Federated
 9 States of Micronesia is hereby amended to read as follows:

10 "Section 134. Default. No default shall be entered until the
 11 expiration of at least thirty days after service. A default
 12 judgment rendered on service made under this subchapter may be
 13 set aside only on a showing which would be timely and
 14 sufficient to set aside a default judgment entered upon
 15 personal service within the ~~Trust Territory~~ Federated States of
 16 Micronesia."

17 Section 5. This act shall become law upon approval by the President
 18 of the Federated States of Micronesia or upon its becoming law without
 19 such approval.

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 21 Date: 6/3/86

Introduced by: ✓
 John R. Haglelgam
 (by request)

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