


MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

Bill No. 477-31 (COR)

Introduced by:

Adolpho B. Palacios, Sr. 

**AN ACT TO AMEND §23112 OF ARTICLE 1 AND
§23203 OF ARTICLE 2, BOTH OF CHAPTER 23,
DIVISION 2, TITLE 7, GUAM CODE
ANNOTATED, RELATIVE TO LEVIES ON
EARNINGS.**

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1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that under the relevant statutes, the remittances arising from levies upon
4 earnings must be made through the court system in order to be transmitted to
5 the judgment creditor. Therefore, it is the intent of *I Liheslaturan Guåhan* to
6 facilitate the ease and efficiency of processing levies upon earnings, by
7 amending §23112 and §23203 of Title 7, Guam Code Annotated, to allow for
8 remittances directly to the judgment creditor or the judgment creditor's
9 attorney.

10 **Section 2.** Section 23112 of Article 1, Chapter 23, Division 2, Title 7,
11 Guam Code Annotated, is hereby *amended* to read:

1 “Except in the case of a levy on earnings, tThe marshall must
2 execute the writ against the property of the judgment debtor, by levying
3 on a sufficient amount of property, if there be sufficient, collecting or
4 selling the things in action, and selling the other property and paying to
5 the plaintiff or his attorney so much of the proceeds as will satisfy the
6 judgment. Any excess in the proceeds over the judgment and accrued
7 costs must be returned to the judgment debtor, unless otherwise
8 directed by the judgment or order of the court. When there is more
9 property of the judgment debtor than is sufficient to satisfy the
10 judgment and accrued costs within the view of the marshal, he must
11 levy only on such part of the property as the judgment debtor may
12 indicate, if the property indicated be amply sufficient to satisfy the
13 judgment and costs.”

14 **Section 3.** Section 23203 of Article 2, Chapter 23, Division 2, Title 7,
15 Guam Code Annotated, is hereby *amended* to read:

16 **“§23203. Payment of Debtor of Judgment Debtor.**

17 (a)After the issuing of an execution against property and
18 before its return, any person indebted to the judgment
19 debtor may pay to the marshal the amount of his debt, or
20 so much thereof as may be necessary to satisfy the
21 execution, and the marshal's receipt is a sufficient
22 discharge for the amount so paid.

1 (b)Notwithstanding subsection (a), in the case of a levy on
2 earnings, the employer shall remit the earnings levied
3 upon directly to the judgment creditor or the judgment
4 creditor’s attorney. Upon satisfaction of the judgment
5 amount, the judgment creditor or the judgment creditor’s
6 attorney shall file a satisfaction of judgment with the
7 court and serve such document upon the employer.”

8 **Section 4. Effective Date.** This Act shall be effective upon enactment.