

MARIA SAM, Plaintiff

v.

MIKEL SAM, Defendant

Civil Action No. 306

Trial Division of the High Court

Ponape District

December 26, 1968

See, also, 4 T.T.R. 184 3 T.TR. 203

Action for enforcement of orders for support. The Trial Division of the High Court, H. W. Burnett, Associate Justice, held that where state of record made it impossible to reach any accurate determination which would enable the court to make a final order regarding previous support orders, each of the parties would have to file written sworn responses to a series of questions.

BURNETT, *Associate Justice*

Plaintiff's request for Writ of Execution filed herein August 27, 1968, is hereby denied.

Plaintiff's application recited various orders for support which have been entered previously, and asserts that defendant owes in excess of \$1,000 for support of the children and of the plaintiff.

The factual record before me makes it impossible to reach any accurate determination as to how much may be owing by the defendant at this time. The original order for support entered by Associate Justice Goss was in effect

for no more than three months until it was suspended by order of the Chief Justice. It also seems clear that at least some of the children of the parties have been living with, and receiving their support from, the defendant. The order for support entered by Chief Justice Shoecraft on March 12, 1968, specifically limited the obligation of the defendant to pay for support of those children, under the age of 18 years, who are not living with or receiving their full support from the defendant.

Additionally, in another action involving the same parties, the Chief Justice, on March 18, 1968, entered an order of dismissal on the basis of reconciliation of the parties, thus leaving open the question of whether the support order entered in this action was to have any further and continuing effect.

In any event, it appears now incumbent upon the court to make further factual inquiry, so that a final order may at last be entered, defining the relationship and obligations of the parties and putting this controversy to rest once and for all. Accordingly, it is hereby

Ordered that each of the parties to this action shall file, within thirty days, their written sworn response to the following questions:-

1. Which of the children of your marriage are now living with you and what are their ages?
2. Are you now living with or married to any other person?
3. List all property which you now possess and state the approximate date when you acquired it.
4. Are you now employed and, **if** so, by whom and what is your current regular income? **If** you are not employed, from what source do you subsist?

Following receipt of such sworn statements, the court will then set the matter for such further proceedings as may be appropriate.