

NOV 21 2003

For The Northern Mariana Islands
By _____
(Deputy Clerk) *JP.*

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

YONAMI KOCHI,

Plaintiff

v.

COMMONWEALTH SUPERIOR
COURT; THE HONORABLE
JUAN T. LIZAMA; NORTHERN
MARIANAS HOUSING CORP.;
TRIPLE J SAIPAN, INC., doing
business as TRIPLE J MOTORS;
and, MICHAEL A. WHITE,

Defendants

COMMONWEALTH OF THE
NORTHERN MARIANA
ISLANDS,

Intervenor

Civil Action No. 02-0054

JUDGMENT

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7 IN ACCORDANCE with the signed settlement and release agreement
8 and the stipulated final judgment, the latter of which was filed this date; and,
9 further,
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11 IN ACCORDANCE with the agreement of all parties that 7 N.Mar.I.
12 Code § 4104 is unconstitutional; and, further,
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14 BECAUSE the court has examined the statute and agrees that it is
15 unconstitutional because it allows seizure of exempt property without notice
16 and an opportunity to be heard before final deprivation, and because it fails to
17 provide for notice to an affected party of possible exemptions and how such
18 exemptions might be claimed, all in violation of the due process guarantees of
19 the Fourteenth Amendment to the United States Constitution; NOW,
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21 THEREFORE,
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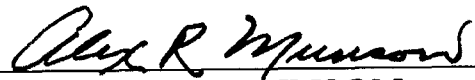
24 IT IS ORDERED, ADJUDGED AND DECREED as follows:
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- 26 1. Title 7, N.Mar.I. Code § 4104 be and hereby is declared

1 unconstitutional; and,

2 2. Costs and fees shall be apportioned as set out in the settlement
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4 agreement.

5 DATED this 21st day of November, 2003.
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9 ALEX R. MUNSON

10 Judge
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