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**FILED**  
5/30/13 10:15  
DATE: TIME:

**IN THE SUPREME COURT OF THE  
FEDERATED STATES OF MICRONESIA  
TRIAL DIVISION – YAP STATE**

By *[Signature]*  
CLERK, FSM SUPREME COURT  
YAP  
TRIAL DIVISION

STATE OF YAP,

Plaintiff,

v.

MICRO PEACE III, a fishing vessel, and  
REX KAMINANGA, owner,

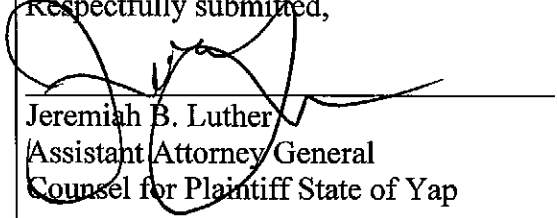
Defendants.

CIVIL ACTION NO. 2013 - 3000

MOTION FOR DEFAULT  
JUDGMENT

Comes now the Plaintiff, the State of Yap, pursuant to FSM Supreme Court Rule of Civil Procedure 55 and moves this Court to grant the Plaintiff default judgment in its claim against the Defendant and the Defendant vessel. Plaintiff would show that on January 18, 2013, the State filed a Verified Complaint for Civil Damages and Forfeiture against the Defendants. The Defendant was served with a Summons and copy of the Plaintiff's complaint on February 25, 2013 (attached as **Exhibit A**). FSM S.Ct.R.Civ.P. 12 requires that a Defendant "shall serve an answer within 20 days after the service of the summons and complaint upon that defendant[.]" Due to the distance between the States of Yap and Chuuk (the Defendant's last known residence), the Plaintiff has postponed filing a motion for default in order to allow the Defendant time to respond. As of the filing of this motion, 93 days have passed without any indication that the Defendant intends to answer or defend against the Plaintiff's claim. In accordance with Rule 56, Plaintiff's counsel has filed an affidavit attesting to this fact (attached as **Exhibit B**).

Respectfully submitted,

  
\_\_\_\_\_  
Jeremiah B. Luther  
Assistant Attorney General  
Counsel for Plaintiff State of Yap

5.29.2013  
Date

Office of the Attorney General  
State of Yap  
P.O. Box 435  
Colonia Yap, FM 96943  
(691) 350-2105  
jluther@yapstategov.org

A

Recd  
2/18/13  
AB

IN THE SUPREME COURT OF THE  
FEDERATED STATES OF MICRONESIA  
TRIAL DIVISION - YAP STATE

STATE OF YAP,

CIVIL ACTION NO. 2013 - 3000

Plaintiff,

v.

SUMMONS

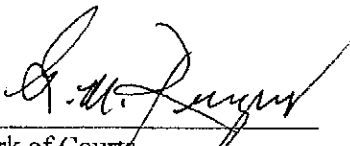
MICRO PEACE III, a fishing vessel, and  
REX KAMINANGA, owner,

Defendants.

To: **REX KAMINANGA**  
Address: NEPUKOS VILLAGE / WENO / CHUUK State / FSM  
or wherever the Defendant may be found

You are hereby notified and summoned to respond by way of filing an Answer to the attached *Verified Complaint for Civil Damages and Forfeiture* within the time limit set forth in the Rules of Civil Procedure for the Federated States of Micronesia. Failure to do so may result in a loss of legal rights or remedies in connection with this matter and a judgment against your interests.


Dated: 1/23/13

  
Clerk of Courts  
Supreme Court of the Federated  
States of Micronesia

RETURN OF SERVICE

I, Xavier Maras, personally served upon Mr. Kapier Kaminaga, a copy of the Verified Complaint for Civil Damages and Forfeiture in the above entitled case(s) on the 25<sup>th</sup> day of February, 2013 within the State of Chuuk and at the following address/location:

Irag, Weno, Chuuk FM 96842

  
SIGNATURE OF DEFENDANT OR  
PERSON ACCEPTING PROCESS ON BEHALF  
OF DEFENDANT

DATE: 2/25/13

  
SIGNATURE OF PERSON MAKING  
PROCESS

DATE: 2/25/13

B

AFFIDAVIT OF JEREMIAH B. LUTHER

In the State of Yap, ) Jeremiah B. Luther
The Federated States of Micronesia. ) SS #: 413-57-2655

I, Jeremiah B. Luther, being duly sworn on oath, state as follows:

- 1. The facts set forth in this affidavit are based upon my personal knowledge.
2. I am currently an Assistant Attorney General with the State of Yap
3. I have served as legal counsel for the Yap State Government from August 1, 2013 through the present.
4. On January 18, 2013, on behalf of the Government of Yap I authored and filed a Verified Complaint For Civil Damages and Forfeiture against Rex Kaminanga (owner of the fishing vessel Micro Peace III) and the Micro Peace III (the in rem Defendant).
5. On or about February 25, 2013, I received a copy of a return of service of a summons upon Rex Kaminanga which was served by members of the Chuuk police force.
6. As of the signing of this Affidavit, the Yap Office of the Attorney General has never received any communication, either directly or through Mr. Kaminanga's attorney, in response to the Verified Complaint, Summons, or other documents filed and served in this matter.
7. As of the signing of this Affidavit, the Yap Office of the Attorney General has never received an answer to its Verified Complaint, nor a request for an extension of time, nor any substantive indication that the Defendant intends to defend this matter.
8. The State is currently maintaining and housing the Micro Peace III, at its own cost.

FURTHER AFFIANT SAYETH NOT.

[Handwritten signature of Jeremiah B. Luther]
Jeremiah B. Luther
Affiant

Subscribed and Sworn to before me this 30th day of May, 2013.

4Y323ec184

[Handwritten signature of Notary Public]
Notary Public