

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

FIRSTBANK PUERTO RICO,

Plaintiff,

v.

CARL F. CHRISTOPHER a/k/a
Asarkasaamsu Raasar Ra II
Karapernuntu Herishetapaheru a/k/a
Nsw Setep N Ra Neb Ka Ra
Herishetapaheru Neb Aha Asarkasaamsu
Raasar Ra II KaraPernuntu
Herishetapaheru a/k/a Nesut Ra Setep N
Ra Neb Ka Ra Herishetapaheru Neb Aha
a/k/a Nesut Sa Ra Setep N Ra Neb Ka Ra
Herishetapaheru Neb Aha a/k/a
Asarkasaamsu 'Raasar 'Ra II
KaraPernuntu Herishetapaheru a/k/a
Asarkasaamsu Raasar II KaraPernuntu
Herishetapaheru and CHENZIRA D.
KAHINA,

Defendants.

ORDER

THIS MATTER is before the Court *sua sponte*. On July 19, 2019, Plaintiff FirstBank Puerto Rico filed a Praecipe for Issuance of Writ of Execution (ECF No. 219), requesting that its form writ of execution (ECF No. 219-2) be issued to satisfy the Deficiency Judgment (ECF No. 175), entered by the Court on September 16, 2016. By Order (ECF No. 225), entered February 26, 2026, the Court directed the Clerk to issue the said writ.

Upon review, however, the Court notes that the writ addresses the garnishment of wages, not any of Defendants' non-exempt property. In accordance with the Court's Local Rules of Civil Procedure Rule 69.1(b), a "judgment creditor, upon application and filing an affidavit that contains a description of the judgment and its amount and states that execution

has been returned unsatisfied, and after giving mailed notice to the employer-garnishee and the judgment debtor, may obtain an order for the garnishment of the wages of the judgment debtor." The record is devoid of any "mailed notice to the employer-garnishee" by Plaintiff that it was seeking to garnish Defendant Chenzira D. Kaniha's wages.

In addition, Rule 69.1(a) states that execution of a judgment upon wages are subject to Title 5, chapter 44, of the Virgin Islands Code. *See* LRCi 69.1(a). Section 522 of Title 5 limits wage garnishment to "ten percent (10%) of so much of the gross wages as exceeds thirty dollars (\$30) due or to become due to the judgment debtor from the employer-garnishee for any weekly pay period, or its equivalent for any pay period of a different duration." 5 V.I.C. § 522(a). Nothing in the writ of execution indicates this 10% limitation. As submitted by Plaintiff, the form instead includes the entire amount of the deficiency judgments plus post-judgment interest.

Accordingly, it is hereby

ORDERED that the Writ of Execution, ECF No. 226, issued on February 27, 2026, is **VACATED**; it is further

ORDERED that, in the event Plaintiff wishes to pursue wage garnishment to satisfy its deficiency judgment, Plaintiff shall file a new motion for relief in compliance with LRCi 69.1(a)-(b) and 5 V.I.C. §§ 521-532.

Dated: May 18, 2026

/s/ Robert A. Molloy
ROBERT A. MOLLOY
Chief Judge