

## CHAPTER 2

### Absent Defendants

#### SECTIONS

- § 201.        **Order to appear or plead.**
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- § 204.        **Judgment may be set aside.**

#### **§ 201. Order to appear or plead.**

In any action in the High Court for annulment, divorce, or adoption or to enforce or remove any lien upon or claim to real or personal property within the Trust Territory, or to adjudicate title to any interest in such property, where any defendant cannot be served within the Trust Territory, or does not voluntarily appear, the court may order the absent defendant to appear or plead by a certain day.

**Source:** TT Code 1966 § 338; TT Code 1970, 6 TTC 51; TT Code 1980, 6 TTC 51.

#### **§ 202. Personal service of order.**

Such orders may be served on the absent defendant personally, wherever found, or, in the case of property, upon the person or persons in possession or charge thereof, if any, or by mailing, postage prepaid, a copy of the order to the absent defendant at his last known address. Where personal service is not practicable, the order shall be posted in one or more conspicuous places as the court may direct, for a period of not less than two weeks.

**Source:** TT Code 1966 § 338; TT Code 1970, 6 TTC 52; TT Code 1980, 6 TTC 52.

#### **§ 203. Procedure if absent defendant fails to appear or plead.**

If an absent defendant does not appear or plead within the time allowed, the court may proceed as if the absent defendant had been served with process within the Trust Territory, but any adjudication shall, as regards the absent defendant without appearance, affect only the property or status which is the subject of the action.

**Source:** TT Code 1966 § 338; TT Code 1970, 6 TTC 53, TT Code 1980, 6 TTC 53.

**§ 204. Judgment may be set aside.**

Any defendant not so personally notified may at any time within one year after final judgment enter his appearance and thereupon the court shall set aside the judgment and permit such defendant to plead, on payment of such costs as the court deems best; provided, however, that this right shall not extend to decrees of annulment, divorce, or adoption.

**Source:** TT Code 1966 § 338; TT Code 1970, 6 TTC 54; TT Code 1980, 6 TTC 54.