

20 GCA REMEDIES
CH. 5 GENERAL PRINCIPLES

PART 2
SPECIAL RELATIONS OF
DEBTOR AND CREDITOR

- Chapter 5. General Principles.
- Chapter 6. Fraudulent Instruments and Transfers.
- Chapter 7. Assignments for the Benefit of Creditors.
- Chapter 8. Bulk Transfers Act. [Repealed]

CHAPTER 5
GENERAL PRINCIPLES

- § 5101. Who is a Debtor.
- § 5102. Who is a Creditor.
- § 5103. Contracts of Debtor Valid.
- § 5104. Payments in Preference.
- § 5105. Relative Rights, Different Creditors.

§ 5101. Who is a Debtor.

A debtor, within the meaning of this Chapter, is one who, by reason of an existing obligation, is or may become liable to pay money to another, whether such liability is certain or contingent.

SOURCE: CC § 3429.

§ 5102. Who is a Creditor.

A creditor, within the meaning of this Chapter, is one in whose favor an obligation exists, by reason of which he is, or may become, entitled to the payment of money.

SOURCE: CC § 3430.

§ 5103. Contracts of Debtor Valid.

In the absence of fraud, every contract of a debtor is valid against all his creditors, existing or subsequent, who have not acquired a lien on the property affected by such contract.

SOURCE: CC § 3431.

§ 5104. Payments in Preference.

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A debtor may pay one creditor in preference to another, or may give to one creditor security for the payment of his demand in preference to another, except as provided in the insolvency law of Guam.

SOURCE: CC § 3432.

CROSS-REFERENCES: The Insolvency Law of Guam is found in 7 GCA Chapter 50.

§ 5105. Relative Rights, Different Creditors.

Where a creditor is entitled to resort to each of several funds for the satisfaction of his claim, and another person has an interest in, or is entitled as a creditor to resort to some, but not all of them, the latter may require the former to seek satisfaction from those funds to which the latter has no such claim, so far as it can be done without impairing the right of the former to complete satisfaction, and without doing injustice to third persons.

SOURCE: CC § 3433.

NOTE: No CC §§ 3434-3438 existed.
