

IN THE TRADITIONAL RIGHTS COURT
OF THE
REPUBLIC OF THE MARSHALL ISLANDS

JAN 07 2019
[Signature]
ASST. CLERK OF COURTS
REPUBLIC OF THE MARSHALL ISLANDS

MAYBELLINE BING, in her capacity as)	H/C CIVIL ACTION 2017-236
RMI Secretary of Finance)	
Plaintiff,)	
)	
Vs.)	OPINION & ANSWER OF THE
)	TRADITIONAL RIGHTS
)	COURT PANEL
METWA IOSIA (attorney in-fact for Patrick)	
Korok) and Lan deBrum,)	
Defendants)	
_____)	

MEMBERS OF THE PANEL: Walter K. Elbon
Presiding Judge, TRC

Nixon David
Associate Judge, TRC

Grace Leban,
Associate Judge, TRC

PLACE OF HEARING: Majuro Courthouse

HEARING DATE(S): October 9 & 16, 2018

THE PARTIES' CONTENTIONS:

The defendants in this case argue over who the proper person is to hold and exercise the senior dri-jerbal title, receiving a share of the Eru Island quarterly payments from the Kwajalein land use payments.

THE QUESTIONS REFERRED TO THE TRC FOR ANSWERS:

1. Who between **Patrick Korok** and **Lan deBrum** is the proper person to hold and exercise the dri-jerbal title for one of the 11 shares for Eru Island, Kwajalein Atoll?

[Note: The High Court permits the TRC to decide between the two who the proper person is. The TRC, in addition, can decide if it is proper for both to hold and exercise the dri-jerbal title.]

2. Did Irojlaplap Anjua Loeak have the authority under Marshallese custom and tradition to certify and recognize the oldest descendants of Joma's adopted children Kurma and Namiko (currently Patrick Korok and Lan Debrum) to equally receive the 1/11 Senior Dri-Jerbal share previously received by Joma?

ANSWER TO QUESTION 1: Both Patrick Korok and Lan deBrum

ANSWER TO QUESTION 2: Yes, Irojlaplap Anjua Loeak had the authority.

FACTUAL FINDINGS UPON WHICH THE OPINION IN ANSWER IS BASED:

During trial, before the panel of the Traditional Rights Court, there was testimonial evidence from the witnesses, documentary evidence such as genealogy charts, certifications and clarifications of successors, the decision in a prior case concerning Eru Island, Kwajalein, as well as other documents. It is clear from the evidence presented in the case that Joma, of the lineage from Eru Island in Kwajalein Atoll had no biological children and had adopted the following children – Kurma and Namiko (Exhibit LDB-9). The documentary evidence also showed that Irojlaplap Albert Loeak had made a division due to disputes between the families of Eru Island regarding the land use payments for Kwajalein Atoll, particularly Eru Island, and is evident with there being two dri-jerbals for Eru Island, Adde Mwedriktok for seven of the families and Inokko for four of the families (Exhibit LDB-7).

The rights of adopted children pursuant to Marshallese custom are weak, except in cases where the lineage has approved to pass on the land rights to them. In this case, it is Joma who is a member of the Eru Island families and had only adopted Kurma and Namiko. There was no evidence from witness testimony, exhibits presented, or in any valid will(s) that Joma had bequeathed his rights regarding Eru Island to his adopted children, their children, and their descendants. Notwithstanding the foregoing, the alap and Iroj of Eru Island still want to provide for and including them in the Eru Island Dri-Jerbal shares. Therefore, it is the opinion and answer of the TRC panel – that Irojlaplap Anjua Loeak had the authority, under Marshallese custom and tradition, to recognize the oldest descendants of Joma’s adopted children, (currently Patrick Korok and Lan Debrum) to equally receive the 1/11 share previously received by Joma from the Eru Island, Kwajalein Atoll land payments.

WITNESS FOR DEFENDANT PATRICK KOROK:

1. Metwa Iosia

WITNESSES FOR DEFENDANT LAN DEBRUM:

1. Betry Langijota
2. Christopher Loeak
3. Lan Debrum
4. Kotak Loeak

DEFENDANT PATRICK KOROK’S EXHIBITS

1. Defendant Exhibit A, Certification of Traditional Successor
2. Defendant Exhibit B, Family Tree
3. Defendant Exhibit c, Family Tree
4. Defendant Exhibit D, Judgment CA 1987-12

DEFENDANT LAN DEBRUM’S EXHIBITS

1. Defendant Exhibit LDB-1, Letter to Secretary of Finance by Anjua

2. Exhibit LDB-2, Letter to Secretary of Finance by Kotak Loeak
3. Exhibit LDB-3, Power of Attorney
4. Exhibit LDB-4, Irojlaplap Certification/Recognition
5. Exhibit LDB-5, Mojen of Irojlaplap Loeak Certification of Traditional Successor
6. Exhibit LDB-6, Mojen of Irojlaplap Loeak Certification of Traditional Successor
7. Exhibit LDB-7, Judgment CA 1987-12
8. Exhibit LDB-8, CA 1992-026, Certification of Record
9. Exhibit LDB-9, Family Tree

OTHER MATTERS THE PANEL BELIEVES SHOULD BE MENTIONED:

In this case, Irojlaplap Anjua Loeak, his successor Irojlaplap Kotak Loeak, Kotak's successor, Christopher Loeak, as well as Alap Betry Langijota are all in agreement with the distribution scheme arranged by their father, Irojlaplap Albert Loeak, for the people of Eru Island, Kwajalein Atoll.

Dated: 12/31/18

/s/ Walter K. Elbon, Presiding Judge, TRC

/s/ Nixon David, Associate Judge, TRC

/s/ Grace Leban, Associate Judge, TRC