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REPUBLIC OF THE MARSHALL ISLANDS

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

WANMEJ JEPPA/JUDIA JEPPA,)
)
 PLAINTIFF(S),)
)
 VS.)
)
 BETWEL JEUR/TARBINA CLARENCE,)
)
 DEFENDANT(S).)
 _____)

CIVIL ACTION NO. 2008-238

OPINION AND ANSWER OF THE TRADITIONAL
RIGHTS COURT

MEMBERS OF THE TRC PANEL:

CHIEF JUDGE WALTER K. ELBON, PRESIDING JUDGE
ASSOCIATE JUDGE NIXON DAVID
ASSOCIATE JUDGE GRACE LEBAN

DATE OF HEARING(S): May 27, 2015

PLACE OF HEARING(S): ULIGA COURTHOUSE, MAJURO ATOLL

ACTION TAKEN:

The question put before Panel of the Traditional Rights Court for answer is:

AS BETWEEN WANMIJ JEPPA AND TARBINA CLARENCE, WHO IS THE PROPER PERSON TO HOLD THE
TITLE OF IROJ EDRIK ON BIKEN ISLAND, AUR ATOLL, REPUBLIC OF THE MARSHALL ISLANDS?

ANSWER TO QUESTION: WANMEJ JEPPA

ISSUE(S) IN THIS CASE:

The Complaint in this case was filed on December 8, 2008. The Answer from the Defendant was
filed on March 31, 2009. The Complaint ascended from the Land Lease Agreement which started in

1999 between the government of the Republic of the Marshall Islands and those that hold land titles on Biken Island, Aur Atoll.

The Land Lease as described has two Irojlaplap signatures on it, Uduj Benjamin and Rimios Hermios. This may have happened with the intention to expedite the effective date of the land lease. According to Marshallese custom, there cannot be two Irojlaplap holding the same right at the same time on the same land. However, in this case the Complaint, the Answer, and the documentary evidence all show and agree that Uduj Benjamin and his descendants are the Irojlaplap of Biken Island. The witnesses who testified in this case also agree that Uduj Benjamin is the Irojlaplap of Biken Island. The Plaintiff filed the Complaint in disagreement with the Irojiedrik right being signed by the Defendant, Betwell Jeur. Irojlaplap Laelang Lelwoj, who inherited the title of Irojlaplap on Biken Island from Irojlaplap Uduj Benjamin recognized the descending line of Judia Jeppa's family beginning from Irojlaplap Namidrik Jeik and Tonki Jeppa as shown in Plaintiff Exhibit P-D and Exhibit P-E, that they are the proper persons to hold the Irojiedrik title on Biken Island. Witness Birojki Edmond, who is one of the Alabs on Biken Island, testified that the reason why he recognized Betwell Jeur is because he signed the land lease as an Irojiedrik, and that was his only reason. Judia Jeppa stated in the Complaint that she did not know about the land lease because it was prepared and signed on Majuro Atoll, while she was on Aur Atoll.

There is insufficient evidence, both during the testimony of witnesses and on documentary evidence that were presented in court to prove that Betwell Jeur does hold the Irojiedrik title on Biken Island. Both parties agreed that those under the family lineage of Uduj Benjamin are the rightful Irojlaplap on Biken Island, and that Laelang Lelwoj was the Irojlaplap after Uduj Benjamin. Irojlaplap Laelang Lelwoj was the one, who recognized those under the family lineage of Judia Jeppa, as proper persons to hold the right of Irojiedrik on Biken Island, Aur Atoll. The TRC Panel, who heard this matter, sees that it is proper for Wanmej Jeppa to be the rightful Irojiedrik title holder on Biken Island on the wetos discussed in this case.

NAME(S) OF WITNESSES FOR PLAINTIFF:

1. Wanmej Jeppa

NAME(S) OF WITNESSES FOR DEFENDANT:

1. Birojki Edmond

IMPORTANT ITEMS AND TANGIBLE AND DOCUMENTARY EVIDENCE RECEIVED:

1. Plaintiff Exhibit P-C – Family Tree of Plaintiff
2. Plaintiff Exhibit P-D – Will (May 14, 2007)
3. Plaintiff Exhibit P-E – Will (August 28, 2009)
4. Plaintiff Exhibit P-F – Biken Lease Agreement
5. Plaintiff Exhibit P-G – Biken Land Payment
6. Defendant Exhibit A
7. Defendant Exhibit B

OTHER MATTERS THE COURT PANEL DEEMS IMPORTANT TO MAKE KNOWN:

Due to lack of evidence, the testimony and evidence that showed that Betwell Jeur is the proper person to hold the title of Irojiedrik on Biken Island on the wetos discussed, the TRC Panel recognizes that Wanmej Jeppa is the proper person to hold the right of Irojiedrik on Biken Island as presented on Plaintiff Exhibits P-D and P-E.

Dated: 08/21/15

/s/

Walter K. Elbon
Presiding Chief Judge
Traditional Rights Court

/s/

Nixon David
Associate Judge
Traditional Rights Court

/s/

Grace Leban
Associate Judge
Traditional Rights Courts