

IN THE TRADITIONAL RIGHTS COURT
REPUBLIC OF THE MARSHALL ISLANDS

RITEN JEILAR, et al.,)	CIVIL ACTION NO. 1998-288
)	
Plaintiffs,)	
)	
vs.)	<u>OPINION IN ANSWER</u>
)	
HATTIE RUSIN, et al.,)	
)	
Defendants.)	
_____)	

The members of the Traditional Rights Court panel that sat for the trial in this matter, Civil Action No. 1999-288, were Associate Judge Berson Joseph, Associate Judge Billiet Edmond, and Chief Judge Riley Albertter, who presided over the proceedings. The trial was held from June 11 through June 12, 2001. The trial was held at the Courthouse in Uliga, Majuro Atoll, Republic of the Marshall Islands.

THE QUESTIONS REFERRED TO THE TRADITIONAL RIGHTS COURT FOR ITS OPINION ARE AS FOLLOWS:

1(a). Who is the proper person under custom and traditions to hold the rights of IROIJEDRIK, ALAB and DRI-JERBAL on Kimor Weto?

(b). The opinion is Hattie Rusin for the ALAB and DRI-JERBAL rights only.

(c). To give the reasoning for that opinion, it is because Labiliet's surviving adopted child is Hattie Rusin and she holds a will for Labiliet's lands. With regard to the Iroij right,

she must have iroij blood in her in order to hold the iroij right.

2(a). Does Riten Jeilar have any right under custom to object to Thomas and Brenda Maddison's leasehold mortgage?

(b). In our opinion, none.

(c). To explain that opinion, based on the reasoning that even if Riten is the son of Jeilar, the other adopted child of Labiliet, he does not have will from his father (Jeilar).

3. NAMES AND ADDRESSES OF PLAINTIFFS' WITNESSES:

- a. Joti Jolet - Laura Village
- b. Riten Jeilar (Plaintiff) - Ajeltake Village

4. NAMES AND ADDRESSES OF DEFENDANTS' WITNESSES:

- a. Hattie Rusin (Defendant) - Rita Village
- b. John Milne - Rita Village

5. EXHIBITS THAT WERE ADMITTED INTO EVIDENCE:

- a. Plaintiff's Exhibit No. 1 - Jeilar's will
- b. Plaintiff's Exhibit No. 2 - Will and Certification
- c. Respondent's Exhibit No. 1 - Special Power of Attorney
- d. Respondent's Exhibit No. 2 - Revocation of Previous Wills
- e. Respondent's Exhibit No. 3 - Hattie Rusin's Will
- f. Respondent's Exhibit No. 5 - Labiliet's letter

6. OTHER IMPORTANT FACTORS THAT SHOULD BE TAKEN INTO CONSIDERATION:

a) The adoptions of Jeilar Jolet and Hattie Rusin by Labiliet were adoptions done outside of Labiliet's bwij. Under custom, if an adopting parent leave behind

a will concerning his adopted children, such a will is valid and enforceable by the adopted children. Meaning that if the adopted children in reference here pass away without leaving a will to their children, then rights will end with the adopted children.

b) It should also be clear in the Answer to Question No. 1, and be resolved by the custom, that only those possessing iroij blood can hold iroij title. (See Civil Action No. 15-73, Leroij Reab Amon vs. Labiliet Lokanwa).


c) Respondent' Exhibit No. 2, this is a document that was typed and done for the purpose of revoking certain wills previously made by Labiliet regarding three of his wetos. However, in Item No. 2, regarding Kimor Weto, we see an amendment there that was written in by hand and referencing to File No. 37, which is the filing number for Jeilar's will. For that reason, this Court, after examining all evidence, is of the opinion that Respondent's Exhibit No. 2 does not invalidate Jeilar's will. However, the rights ended with Jeilar, who was the adopted child of Labiliet. There cannot be any succession by Jeilar's children because he did not leave a will to that effect in writing.

d) According to Hattie Rusin's testimony, she stated that Jeilar's children have the right to live on Kimor Weto. Furthermore, in the closing statement offered by Hattie Rusin's counsel, he also stated that there is no problem with Jeilar's children living on Kimor Weto. However, what we need to clear up is this, who is the proper person to hold the Alab and Dri-jerbal rights? As previously stated in this Court's answer to Question No. 1 above, it is the opinion of this Court that Hattie Rusin is the proper person today based on the


reasoning that Hattie Rusin is the surviving adopted child of Labiliet and she has a will from Labiliet regarding the land in dispute.

THEREFORE, IT IS THE OPINION OF THE TRADITIONAL RIGHTS COURT that Hattie Rusin is proper person today to hold the Alab and Dri-jerbal rights on Kimor Weto. Furthermore, this Court concurs with and affirms the statements by Hatty Rusin herself and her counsel that the children of Jeilar can stay and live on Kimor Weto.


Dated this 27th day of June, 2001.



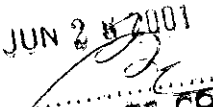
RILEY ALBERTTER
Chief Judge, Traditional Rights Court
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BERSON JOSEPH
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FILED
JUN 28 2001

ASST. CLERK OF COURTS
REPUBLIC OF MARSHALL ISLANDS