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REPUBLIC OF THE MARSHALL ISLANDS

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

HILMER ANMONTHA and
CHARLES T. DOMNICK,

Plaintiffs,

v.

HELLA JORBL for NEITO MELKAI

Defendant

CIVIL ACTION NO. 2002-307

UAAK KO IM MELELE KO

RO UWAAN PANEL EO:

Presiding Judge, Walter K. Elbon

Associate Judge, Nixon David

Associate Judge, Grace Leban

JKIN IM RAAN IN RONJAKE:

Majuro Courthouse, February 22, 24, 28 and May 18, 2017

IAKWELEL KO AN PARTY KO:

Iakwelel eo ikotaan party kein ej kin won eo ej kabjor maron an Dri

Jerbal ak Senior Dri Jerbal ion Erlap weto ilo Laura, Majuro Atoll. Rej bareinwot iakwelel kin elane

ewor ruo mottan ko ilo Erlap weto, einwot Erlab-iar (lagoon-side) im Loeio ak tulikin Erlap (ocean-side).

KAJITOK KO KAR LETOK NAN TRADITIONAL RIGHTS COURT EO:

1. Won eo ikotan Charles Domnick im Neito Melkai ekkar im jejet bwe en kabjor maron eo an Senior Dri Jerbal Loeio ilo Erlab weto eo ilo Laura?

2. Won eo ikotan Charles Domnick im Neito Melkai ekkar im jejet bwe en kabjor maron eo an Senior Dri Jerbal nan Erlab-iar weto, Laura?

UWAAK:

Uaak kajjitok No. 1) **Neito Melkai ej kabjor maron eo an Dri Jerbal ak Senior Dri Jerbal nan Loieo, ak tulik in Erlap weto, Laura.**

Uaak kajjitik No. 2) **Charles T. Domnick ej kabjor maron eo an Dri Jerbal ak Senior Dri Jerbal nan jobar in Erlap weto, Laura.**

MELELE KO IM UAAK KEIN REJ BEDBED IOEIR: Erkein rej kajjitok ko me High Court ear erra kaki im kabini bwe ren itok nan an TRC eo uuaki im komeleleiki. Ilo kar ien ronjake eo ear wor kein kamol ko im bareinwot nan in kamol ko jen kajjojo party ko. Defendants ak Dri Jumae Abnono ro rej bedbed wot ioon melele kein ke Erlap weto ikkijen Jibakwe ear oktak im einwot Mworjinkot nan ro moktalok ak predecessors ro an Alap Lauto im tokelik Imon-kalotlot jen Lauto nan Neito Melkai eo im ej defendant ilo case in. Ilo kar ien ronjake eo im einwot an walok ilo kein kamol im document ko jet ilo case file eo, party ko jimor rar kajjitok bwe panel eo an TRC en lali melele ko me rej walok ilo High Court Civil Action No. 1996-301. Jemlok eo ilo High Court Civil Action 1996-301 ej kwaok bwe Elmer Anmontha ej alap nan Erlap Wetu, Laura. Ilo ejja Civil Action No. 1996-301, Neito Melkai ear kamol bwe e eo ej Senior Dri Jerbal nan Loieo side, Erlap weto, im Charles Domnick ear kamol bwe e eo ej Senior Dri Jerbal nan Erlap weto, tu-iar, Laura.

JIBOKWE: Jibakwe ej juon wawen eo ej wakok elane ruo Iroj rej jumae dron ilo tarinae. Iroj eo enaj luj enaj jibakwe, im ro rej tarinae nan e. Ilo ran kein ejjab walok kain tarinae rot in. Wawen eo ej walok ilo ran kein ej ilo an ruo Iroj jumae dron ilo jikin ekajet im eo eluj emaron in jibakwe, im ro mottan. (Jemlok/Opinion eo an TRC High Court Civil Action 2007-057). Ilo jemlok eo an TRC ilo High Civil Action No. 1996-301, ejelok konono kin jibakwe ak bwilok ikkijen weto kein, Konan im Erlap, ak Kabilo im Batlon, einwot ke weto kein rej juon wot einwot an Civil Action 1996-301 kalikare. Ilo jemlok ak judgment eo an High Court ej ba bwe ilo kar lukonlok 1800s ko ear wor juon tarinae ikotan jowi ko ruo, Jidrikdrik im Dri Luit. Ejba bwe Jidrikdrik ear jab anjo im kar kibel elon wot iaer nan jeblak nan aelon ko einwot, Namdrik, Mile, Arno im Malobelap. Ej bar kwalok bwe ro bwijin Lauto wot rar ber wot Majuro im ejjab komeleleiki etke er wot rar ber wot ilo Majuro. Won ro rej bwijin Lauto, ak ro alkin jen Lauto? Kein kamol im nan in kamol ko ilo case in im bareinwot ko ilo High Court Civil Action No. 2010-177 rej kalikar bwe bwijin Lauto rej Elmer Anmontha im Chares Domnick, im rej juon wot jowi im bwij. Elane en kar wor jibakwe enaj kar jelet aolepeir.

MWORJINKOT: Party ko jimor rejjab jumae ke weto kein rar jebar jen Mworjinkot. Iroj Jebdrik wot emaron kar kommane mworjinkot in ilo kar 1800s ko, elkin kar tarinae eo ilo Majuro ikotaerro Iroj

Kaiboke. Mworjinkot in kin weto kein kar lelok nan ro moktalok jen Lautto. Ejjab alikar jen ro moktalok jen Lauto ne rar lelok maron ko ilo weto kein bwe en an Lauto wot. Wawen in ej kalikar bwe weto kein emoj aer oktak em imon bwij ilo ien eo Lauto ej kabjor maron in Alap. Lanilobet eo me ekar kabjor maron in Alap elkin Lauto ear kile Atirere, eo jemen Elmer bwe en e eo ej Alap elkin. Mene en kar jab kommane kalimur eo ilo kar 1977, ak enaj kar baj Alap wot elkin Lauto im Laninlobet ekkar nan lajtrak in bwij. Rainin Elmer ej Alap ilo weto kein einwot an Iroj im Leroij ro moktalok kar kile im Charles Takao Domnick bwe ej Dri Jerbal. (Plaintiff Exhibit 3 im 4).

IMONKALOTLOT: Imonkalotlot ej jermal ak apply wot elane elot ak maat ro ilo bwij eo. Party ko jimor rej erra bwe Lauto ear kokajiririki Likibin, kora eo jinen Neito, im ear bareinwot kokajiririk Neito. Likibin im Neito einwot kokajiriri an Lauto rar erom ejja mottan wot family eo an Lauto im ejimwe einwot aer jokwe im ber ebake bwe ren lale im kauki ilo etan ro jet ilo ejja bwij eo wot an Lauto.

Elon kalimur ko kar jaki mantak einwot kein kamol an party kein. Ilo Defendant Exhibit 1, Iroj Mo Jitiam ej ba Lauto ear komman kalimur ilo nan wot bwe Neito ej Dri Jerbal nan Erlap weto, botab ear jab kwalok won ej Alap. Iroj Mo Jitiam ear ba bwe wawen in ear komman ikkijen kokajiriri im imonkalotlot. Einwot juon kokajiriri, ej an Neito eddo bareinwot bwe en lale im kejbarok Lauto einwot ke ej jemen. Ikkijen Imonkalotlot, Iroj Mo Jitiam ejela ke ejjanin lot bwij eo im einwot Iroj nan Erlap weto en kar kojjeleiki ro uaan bwij eo. Ejja wawen drein nan bar kalimur ko jet ro uaan bwij eo ren kar bar jela im erra kaki.

Ikkijen Loeio ej ke mottan wot Erlap weto? Neito make ear kamol ilo ien kar ronjake eo an High Court Civil Action 1996-301 im ba bwe ej senior dri jermal nan Loeio ilo Erlap weto. Plaintiff Exhibit No. 1 im 2, rej bar kwalok juon map in Laura village im ej kalikar bwe Loeio ej mottan wot Erlap weto. Dr. im Anthropologist Leonard Mason eo me ear jermal ilo ailon kein ej alikar bwe ear kommane map in. Dr. Mason im rijermal ro mottan reban kar tobar jonan melele ko ilo map in elane ear jab jen jiban jen ro ilo Laura village im aer weto kein rej ellajrak ilo map in. Men in ej kamol bwe Loeio ej mottan wot Erlap weto. Iroj eo kio nan Erlap weto, Leiroij Takbar Ishiguru, ej bar erra bwe Loeio ej mottan wot Erlap weto.

Iroj im Leiroij ro mokotalok im Leiroij eo rainin rar im rej kile Chares T. Domnick bwe e eo ej Senior Dri Jerbal nan Erlap weto ilo Laura. Neito Melkai einwot kokajiriri an Lauto ebar wor an maron einwot dri jermal ilo Erlap weto, botab ejjab maron juon senior dri jermal. Einwot ke panel eo ej kile bwe ewor ruo mottan ko nan Erlap weto, Erlap-iar im Loeio (Erlap-lik). Kin menin Neito ej maron wot Senior Dri Jerbal non Loeio ilo Erlap-lik wot im jab ijoko jet ilo Erlap weto. Enin ej uaak eo nan kajjitok ko kar

litok nan TRC bwe en uaaki. Neito Melkai ej Senior Dri Jerbal nan Loeio Ocean-side Erlap weto im Charles T. Domnick ej Senior Dri Jerbal nan Erlap Lagoon-side, im ijoko jet ilo Erlap weto, ijelokin Loeio ilo Erlap weto.

ETAN DRI KAMOL RO AN DRI ABNONO:

1. Sailas Melkai
2. Kalemén Jinuan
3. Hella Jorbal

ETAN DRI KAMOL RO AN DRI JUMAE ABNONO

1. Hella Jorbal
2. Charles T. Domnick
3. Libon Lanwa
4. Jack Jorban
5. Leiroij Tokbar Ishiguru

KEIN KAMOL KO KAR BUKI:

1. P-1 Laura Villagre map
2. P-2 Laura Village map
3. P-3 Lease Erlap weto
4. P-4 Lease Erlap weto
5. P-5 Lease Erlap weto
6. P-6 Ownership of land, Majuro Atoll 1959
7. P-7 Statement of claim damage
8. P-8 Statement of claim ownership
9. P-9 April 1958 meetings/ownership of weto's
10. P-10 Kojela, May 28, 1966
11. P-10a Will
12. P-11 Geneology Chart
13. P-11a Geneology Chart
14. P-12 Photograph of houses on Erlap Lagoon side
15. P-13 Photograph of house on Erlap weto lagoon sode
16. P-14 Transcript C/A No, 1996-301
17. P-15 Right of way agreement
18. P-16. Majuro atoll land determination
19. P-17a photograph view 130FT from shoreline
20. P-17b photograph view down side of school building to main road
21. P-17c photograph view 330 ft from shoreline
22. P-17d photograph view from main rd in direction of Lowio-Side Erlap weto
23. P-17-e photograph view from main rd looking in direction of Lowio-side of Rrlap weto
24. P-17-f photgraph View of large breatfruit tree looking in direction of Lowio-side view
25. P-17-g photograph view 530ft from shoreline looking at Erlap Lowio-side

26. P-17-h photpgraph 530ft looking back toward s main rd & shoreline
27. P-17-l photograph view looking at Erlap Lowio-side towards trail-split
28. P-17-j photograph view at trial-split at 715ft from shoreline
29. P-17-k photograph of Lowio-side jungle
30. P-17-l photograph view aqt 992ft from shoreline
31. P-17-m photograph view 1192ft from shoreline
32. P-17-n photograph view at 1307 ft from shoreline
33. P-17-o photograph view at 1307ft Erlap Lowio-side looking back at shoreline
34. P-17-p photograph view at 1307ft looking at Batlon weto ocean side
35. P-17-q photograph view from 1473ft of Erlap owio-Side
36. P-17-r photograph view 1473ft mark of heavily wooded area of Erlap
37. P-17-s photograph view at 1558 ft from shoreline
38. P-17-t pkotograph view 1558 ft mark
39. P-17-u photograph view at 1795 ft from shoreline
40. P-17-v photograph view at 1795 ft mark on ErlapLowio-Side to shoreline
41. P-17-w photograph view of Batlon weto located ocean-side of Lowio part of Erlab
42. Defendant exhibit 1- Kabin im koweppen lok kalimur an alab Lautto Jibaru
43. Defendant exhibit 2- Officer ro an Bed eo an Jebdrik
44. Defendant Exhibit "3"- Kalimur kin maron eo an Alab
45. Defendant Exhibit "4"- Kalimur an Langilobet
46. Defendant Exhibit "5"- TRC Summary of Case 1996-301 & High Court Judgment
47. Defendant Exhibit "6" Right of way agreement

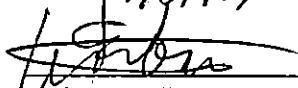
WAWEN KO JOT IM TRC PANEL EO EJ TOMAK BWE REJ AIKÚJ WALOK NAN MELELE:

Ekkar nan naan in kamol ko an Hella Jorbal ear kwalok jemlokin (boundary) Erlap eo jlok. Ear ba bwe jen loan ial leplep eo itu iar koj re ieoojlok em lo juon ma em ej jemlokin Erlap weto. Mr. Strauss, Counsel eo an Plaintiff ear kwalok ilo komelele ko an im kein kamol ko an ke Erlap weto jen iar nan Loeio-lik in Erlap, jonan aitokin ej 1,740 ne im ijo tu re jet ej 1,970 ne. Ilo an jab lukkun alikar nan panel eo kin boundary ak kotoan ko Erlap weto, panel eo ej kotlok bwe Iroj ak Leiroij eo, kobalak iben Charles T Dornick im Hella Jorbal, ren jermal ibben droon kin jonon ak boundary eo an Erlap weto eo im ekitibbuj Loeio Ocean-side.

Neito Melkai im Hella Jorbal im ro jet ilo bamle eo, ekoba lollap eo jemen bamle eo, Silass Melkai rej lajrak iumin Lauto enwot jet ro rej an kokajriri, ilo an ro lak imaan kar jab jumae jokjok in, ekoba Iroj im Leroj ro lak imaan.

Kin menin, Panel in ej kile bwe remaron wonmanlok wot im kojermal mon wia eo im imon jokwe eo einwot ke ebar wor aer maron enwot dri jermal, ijo wot ke ren jela nae Senior Dri Jermal eo, Alab eo, im Leroj eo an Erlap weto, enwot ke Erlap Loeio Ocean-side wot Neito ej Senior Dri Jermal ion.

Raan: 7/31/17



Walter K. Elbon
Presiding Judge an Panel eo TRC



Nixon David
Judge nan Panel eo TRC



Grace Leban
Judge nan panel eo TRC