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ASSISTANT CLERK OF COURTS
REPUBLIC OF THE MARSHALL ISLANDS

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

DARREL MALACHI,)
)
 plaintiff,)
)
 -vs-)
)
 TERRY ABON,)
)
 defendant.)
)
 _____)

CIVIL ACTION CASE NO. 2013-213

NOTICE TO AMEND TRC
ANSWER & OPINION

TO: Rosania Bennet (MLSC), counsel for plaintiff
Divine Waiti, counsel for defendant
Associate Judge Nixon David
Associate Pro Tem Judge Milton Zackios

TAKE NOTICE, that amendment is made with regards to the Marshallese version of TRC Answer and Opinion for CA2013-213, Malachi v. Abon, filed November 12, 2021, in accordance to Rule 60(a) of the Rules of Civil Procedure.

PLEASE BE FURTHERE NOTIFIED, that minor changes have been made to the wordings on the seventh sentence, first paragraph, of page four in the TRC Answer and Opinion of the above-mentioned matter

November 23, 2021



Grace L. Leban
Chief Judge of the Traditional Rights Court

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LEMNAK IM UAAK EO AN
TRADITIONAL RIGHTS
COURTS EO

RO UAAN PANEL EO: Grace L. Leban
 Presiding Judge, TRC

 Nixon David
 Associate Judge, TRC

 Milton Zackios
 Pro Tem Associate Judge, TRC

JIKIN RONJAKE EO: Majuro Courthouse

RAN IN RONJAKE KO: August 10-13, 16 & 31

IAKWELEL KO IKOTAN PARTY KO:

Dri Abnono in, Darrel Malachi ej kwalok bwe e eo ekkar bwe en kabwijer title im maron ko an Senior Dri Jerbal im Alab io Makeo weto, ilo Delap, Majuro Atoll, im binej jenkwana ak bok jikin jemen, Sailass Malachi, enwot ke jemen ear juon kokajriri an Neijab. Neijab ear jolete maron ko an jen jinen, Neitele, eo ear bok an maron jen Iroj Laenlen ikijen *Imon Aje*, ak *Katlep*,

jen wot an kar Neiteli lelok “gold jewelry” none. Dri Abnono in ej kwalok bwe ejab ekkar bwe Taklemen en kar kabjer maron eo an Alab alkin Neijab. Dri Abnono in ej bar kwalok bwe jemen, Sailass Malachi, enkar Alab im Senior Dri Jerbal ekkar non karok. Dri Abnono in ejbar kwalok bwe ekkar non mantin Marshall, ikijen *Imon Aje*, bwe Sailass Malachi en bok jikin Neijab kinke ear ejelok koban lojien ak ear ejelok lukun nejin, ijo wot ke, ear watok Sailass Malachi enwot juon *kanin lujen*. Im bwe alkin an jako Sailass Malachi, inem ekkar bwe ro nejin Sailass Malachi ren joloti maron ko an. Dri Abnono in ej bar kwalok bwe Taklemen eo ear kokajiririki Neimako, eo jinen Terry Abon, ejokkar bwe en kar bok maron ilo *Imon Aje* kinke ear jobar jen bwij eo edrik an Lijuly. Dri Abnono in ej bar kwalok bwe Terry Abon ej kajeon bok maron eo jen kalimur eo an Taklemen John, eo ear komon jen jermal in mon, riab, im koot non bok maron ken jen Sailass Malachi.

Dri Abnono in ej kajitok iben court kin juon jemlok eo ej kalikar ke leo jein, Jekien Malachi, ej kabwijer title im maronn ko an Alab im Senior Dri Jerbal ilo Mokeo weto, ilo bukun in Delap, Majuro Atoll, Marshall Islands, im jab Terry Abon.

Dri Jumae Abnono in, Terry Abon, ej kwalok bwe jemen Dri Abnono in, Sailass Malachi, Neijab ear kokajiririki jen likin bwij eo ilo an ejelok an kar kalimur ilo jeje jen Neijab. Kin menin, maron eo an non an naj kar bok jikin Neijab ekkar non mantin Marshall, ear jemlok ak ejelok kitien ilo ien eo wot Neijab ear jako jen mour in. Dri Jumae Abnono in ej kwalok bwe maron kein an ilo Mokeo weto rar jobar jen kalimur eo an Taklemen, eo im ear jain im weppen jen Irojlaplap Joba Kabua, Iroj Amata Kabua im Iroj Edrik Telean, im bareinwot jen naan eo an Irojlaplap Jurelang Zedkeia ilo ien eoraak eo an Alab Taklemen. Dri Jumae Abnono in ej bar kwalok bwe Sailass Malachi ejab kar aikuj bwe en jela kin kalimur eo an Taklemen kinke ejab uwan bwij eo an Neijab im Taklemen, im bareinwot kinke Neijab ear likjab jen an koman an kalimur non an naj e im ro nejin maron kabwijer jabdrewot maron ko ilo Mokeo weto. Dri Jumae Abnono in ej kwalok bwe e ej nejin Neimako Abon, eo im Alab Taklemen John ear kokajiririki im ekkar non manit, e eo en kabwijer maron ko an Alab im Snior Dri Jerbal ilo Mokeo weto rainin. Ekkar non kalimur eo an Taklemen John im Irojlaplap Joba Kabua, Iroj Amata Kabua, im Leroj Telean, rar jimor kawepene ilo January 29, 1980. Kin maron im un

kein, Dri Jumae Abnono in ej kajitok bwe jabdrewot land lease agreement eo ear jab kawepeni en ejelok kitier. Eo ej kabwijor maron ko an Irojlaplap rainin ilo Mokeo weto ej Leroj Esther Zedkeia.

KAJJITOK KO KAR LETOK NAN PANEL EO BWE EN UAAKI:

Ikotaan Sailass Malachi im Terry Abon, im ro rej abnono iberro, ekkar non manit im iminene ko ilo mantin Marshall Islands, ejimwe im jejjot bwe en kabjor maron eo an Alap im eo an Senior Dri Jerbal ion Mokeo Wetu, Delap Island, Majuro, Marshall Islands?

UAK NON KAJITOK EO:

Terry Abon.

MELELE KO IM UAAK KEIN REJ BEDBED IOIER:

Elkin an TRC panel eo ronjake im loe naan im kein kamol ko ilo case in, im berber ion manit eo, panel in an TRC ej loe bwe Mokeo Wetu, Delap, Majuro Atoll, ej *Imon Ninninj* jen Lakuboke non kora eo nejin, Neiboke, im laltak wot non Neijab im Taklemen, enwot an walok ilo Defendant's Exhibit A(2). Kin menin, panel in ej loe bwe eo ekkar bwe en kabwijer title im maron ko an Alap im Senior Dri Jerbal ilo Mokeo Wetu, ej Terry Abon.

Imon Aje ej jikin ko lelokin Iroj non kollaik wonen jermal ko remman an juon armij. Lale 577R 458 im lale J. Tobin, "Land Tenure in the Marshall Islands", p.30. Melele kein ilo case in rej kwalok im komeleleik ke Mokeo Wetu ear jab juon *Imon Aje*.

Determination of Land Ownership eo ear koman ilo August 15, 1959. Elikin ronjake ko rar koman iben Irojlaplap Aisea, Iroj Edrik Lijeklok, Alab Neijab im Dri Jerbal Taklemen ej kwalok im kalikar ke Mokeo Wetu eja juon *Imon Aje* ak *Katlep*, ak ej juon *Imon Ninnin*, kinke elane ear Imon Aje inem Taklemen ejamin kar kabwijer maron eo an Senior Dri Jerbal. Ekkar non manit elane *Imon Aje* eo ej etal non juon kora inem ro renaj kabwijer maron ko an Alab im Senior Dri Jerbal enaj ro wot nejin, im ro ilo ebeben ko tokelik an dri jolet eo jinoin tata, im jab non ro nejin ro jatin. Enwot an walok ilo Land Determination eo. Land Determination in ej bar kamol bwe Mokeo ear juon *Imon Ninninj* jen Lakuboke non eo nejin, Neiboke, im ear jidraak bwij iben Neiboke ear wonlaltak jolet iumin bwij eo an Neiboke, im jej maron watoke enwot an

alika ke Neijab ear Alab im Taklemen ear Dri Jerbal. Elane ear jab jimwe melele in inem Irojlaplap Aisea im Leroj Edrik Lijeklok renaj kar kajimwe bwor in.

Neijab im Taklemen ear ejelok lukun nejierro ak koban lojierro. Ijowotke, ear wor aero kokajiriri jen likin bwij. Neijab ear kokajiririk ak bok bwe en enwot kanin lujen Sailass Malachi, im Taklemen ear kokajiririk ak bok bwe en enwot kanin lujen Neimako. Jinen Neijab im jinen Taklemen rej jomjen-jomjatin, im jinerro ej Neiboke. Neijab ear likjab jen an kar koman an kalimur non Sailass Malachi bwe en kar maron kabwijer jimwe im maron eo an Alab im Senior Dri Jerbal.ion Mokeo Weto. Kin an kar ejelok an Sailass Malachi kalimur jen Neijab ekoman bwe ro nejin Sailass Malachi ren jab maron kabwijer maron ilo weto in. (lale H/C CA1999-288. Panel in ej bar kile bwe ejab ikijen wot an ejelok kalimur non Sailass Malachi ej unin an jab kar bok maron, ak ej bar tomak bwe ear wonlaltak wot jolet ikijen imon Ninnin iumin bwij eo an Neiboke, ekkar non mantin Majol, inem ilo ad lale lajrak ko laltak non ebeben eo rainin an Darrel Malachi im an Terry Abon, jej loe bwe Darrel Malachi ej nejin emaan im Terry Abon ej nejin kora.

Ilo ien eoraak eo an Alab Taklemen, Irojlaplap Jurelang Zedkia ear kwalok ke ej kile Terry Abon enwot juon eo ej kabwijer title im maron ko an Alap im Senior Dri Jerbal ion Mokeo weto ilo Delap, Majuro Atoll. Wewen in ear kwalok an erra im kabin lok wot kalimur eo an Taklemen John.

MANIT IM IMINENE KO REJELET CASE IN:

1. *Kokajiriri* – Elane rej bok juon ajri eo ejkab lotak ak juon ajri eo edrik wot, im lale enwot ne koban lojen eo ej kokajiriri. Emaron jen wot bwij eo, ak emaron bar jen likin bwij eo.
2. *Kanin lujen*- Watoke ke ej koban lojen ak lukun nejin.
3. *Imon Aje* – Juon jikin eo lelokin juon Iroj non kollaik wonen jermal ko remman an juon armij.
4. *Imon Ninnin* – Juon jikin eo lelokin jeban bwij eo ak Alap eo non ro nejin, alkin bok melim jen bwij eo im Irojlaplap eo.
5. *Katlep* – Juon jikin eo Iroj eo ej katot juon bwij ie.

KEIDI MANIT IBEN MELELE KO REMOL

Ej alikar ilo naan im kein kamol ko ilo case in bwe Neijab ear kokajririk Sailass Malachi im bwe Taklemen ear kokajririk Neimako, im bwe lellap rein rar watok kokajrir rein nejieerro enwot kanin lujerro. Ear bareinwot alikar ilo naan im kein kamol ko ilo case in bwe Mokeo Weto ear jab juon *Imon Aje a Katlep*, ak ear juon Imon Ninnin non ro nejin im jibun Lakuboke, einwot an walok ilo Defendant's Exhibit A(2),

Dri Kamol an Dri Abnono:

1. Darrel Malachi
2. Mudge Samuel
3. Hainrick Moore

Dri Kamol an Dri Jumae Abnono:

1. Terry Abon
2. Joseph Jorlang
3. Austen Jurelang
4. Jimmy Kamram

Kein Kamol an Dri Abnono:

1. Plaintiff's Exhibit A – Menmenbwij
2. Plaintiff's Exhibit B – 1954 Ownership of Land Release #124
3. Plaintiff's Exhibit B1 – Ownership of Land, Majuro Atoll 1959
4. Plaintiff's Exhibit C – Certificate of Death Sailass Malachi
5. Plaintiff's Exhibit D – Certificate of Birth Steria or Malachi
6. Plaintiff's Exhibit E – Delayed Registration of Birth
7. Plaintiff's Exhibit K – Certificate of Death Neijab
8. Plaintiff's Exhibit H – Admitted Order of Adoption of Makko Beed

Kein Kamol an Dri Jumae Abnono:

1. Defendant's Exhibit A – Genealogy Chart
2. Defendant's Exhibit B – Kalimur of Taklamen John
3. Defendant's Exhibit C – Land Determination of Mokeo weto

4. Defendant's Exhibit D – NTA Land Lease 1990
5. Defendant's Exhibit E – NTA Land Lease 2015
6. Defendant's Exhibit F – Affidavit of Leroj Esther Zedkeia
7. Defendant's Exhibit G – Death Certificate of Taklemen John
8. Defendant's Exhibit H – Death Certificate of Jilam (aka Makko) Abon

Wawen Ko Jet Panel In Ej Loi Bwe Rekkar Non Walok:

Panel in ej kile bwe kalimur enwot ko an riballe ak rilikin rej wor wot kiteor ne ej jako armij en ej komane kalimur en. Ak ilo kalimur in an Taklemen non Neimako, panel in ej kile bwe ear koman ilo tore eo Taklemen im Neimako rej jimor mour wot im wawen in ej kalikar bwe ilo manit im iminene kein ad ilo Marshall, ewor ien jej koman kalimur im ej wor kitien kalimur kan mekarta ej mour wot armij eo ej komane kalimur eo.

Ikijen an kar Taklemen kokajirik Neimako, mene ear koman ak jab koman ilo court, ak panel in ej kile ke emol im jejjot ekkar non mantin Marshall Islands enwot ke ear juon common knowledge, ak elon ro rar jela im melele kake.

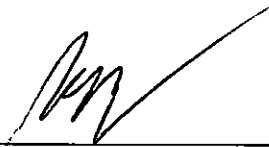
Raan: 11/23/24



Grace L. Leban
Presiding Judge, TRC



Nixon David
Associate Judge, TRC



Milton Zackios

Associate Pro-Tem Judge, TRC