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CLERK OF COURTS
REPUBLIC OF THE MARSHALL ISLANDS

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

CENICOLA and KONOU,)
)
 plaintiffs,)
)
 v.)
)
 MIDB and HEINE,)
)
 defendants,)
)
 KABUA,)
)
 intervenor.)
)
)
)
)
)

CIVIL ACTION NO. 2018-213

LEMNAK IM UAK EO/KO AN TRC

RO UAAN PANEL EO:

Grace L. Leban
Presiding Judge, TRC

Nixon David
Associate Judge, TRC

Claire T. Loeak
Associate Judge, TRC

JIKIN RONJAKE EO:

Majuro Courthouse
Majuro, Marshall Islands

RAAN IN RONJAKE EO/KO:

January 20-23,2026

I. NAAN IN KEPELLOK:

Case in ej ikotaan jemjen jemjatin rein im rej juon wot ilo Bukonkur Weto, Delap Village, Majuro Atoll. Einwot an walok ilo kein kamol an Rikabojrak (Intervenors) rein, Intervenor's Exhibit I-7(A2), menmenbwij eo an Selvenios Konou (Selvenios), rein ilo case in rej ro bwijin Selvenios. Party kein rej jimor erra kin lajrak kein ilo menmenbwij in im bwe maron kein rej iakwelel kaki rej joleti jen lollap eo jemeor, Selvenios, eo im ear kabjor maron ko jimor an Alap im Senior Dri Jerbal ion Bukonkur Weto, im bwe Irojlaplap eo an Bukonkur Weto rainin ej Leroij Esther Zedkeia.

II. IAKWELEL KO IKOTAAN PARTY KO:

Case in ear jebar alkin an kar riabnono Jason Cenicola (Jason), eo im ej kokajriri an Rosalie Aten Konou (Rosalie) komane juon an loan iben Marshall Islands Development Bank eo kin drettan in \$80,000.00, ak rualitonoul thousand aurok in non an kalek juon imon an jokwe ilo Bukonkur weto ilo Delap Village, Majuro Atoll. Alkin an kar etal jimettan in loan in non Jason, ear wor ebelonlon kin maron ko an Alap im Senior Dri Jerbal ilo Bukonkur im koman bwe en jab matlok loan eo non riabnono Jason. Jason, koba lak iben Rosalie erro ear koman aer abnono nae Marshall Islands Development Bank (MIDB), ilo court. Eja ilo ien in wot, Hiromi Kabua (Hiromi), koba lak iben Evelyn Konou (Evelyn), rar kobatok ilo case in non kalikar bwe maron ko an Alap im Senior Dri Jerbal ion Bukonkur Weto reber ibeirro.

Ilo tore in TRC panel eo ear ronjake case in, emoj an jako jen mour in Rikabojrak Evelyn, im jet ien tok alik, alkin an kar dredrelok ronjake case in, Ronald Konou (Ronald) ear bar bok kakije jen mour in. Im ilo ien in jemlok in ej koman, Riabnono

Rosalie im Saan Konou (Saan), im Rikabojrak Hiromi ej er ro reber rainin. Ekkar non Riabnono Rosalie, eo ej bareinwot juon counsel non kar Riabnono Ronald im Saan, ej ba bwe Bukonkur Weto ej imon Botoktok, im bwe ekkar non manit, elane ej imon Botoktok, inem ejimwe im jejjot bwe Ronald enkar e eo ej kabjor maron an Alap im jab Hiromi, im bwe Saan, eo ej nejin Ronald, ej e eo ekkar bwe en kabjor maron an Senior Dri Jerbal, enwot ke ej nejin maan, im jab Evelyn ak Hiromi. Ekkar non Rosalie, case in ej jelet wot tulik in Bukonkur Weto im jab iarin. Rosalie ejbar ba bwe aoleben tulik ilo Bukonkur ej an iumin Lease Agreement ak kwon eo im ear komaron e, Rosalie, bwe en an tulik en ilo Bukonkur, im bwe kwon in ro aer Bukonkur ilo tore eo rar sign im erra kake. Rein rar dror eltan peior ilo kwon in rej Irojilaplap Amata Kabua (Amata), Alab Selvenios, im Senior Dri Jerbal Evelyn, einwot an walok ilo kein kamol, Exhibit I-8.

Ekkar non Rikabojrak Hiromi, ej ba bwe e eo ejimwe im jejjot bwe en kabjor maron ko jimor an Alap im Senior Dri Jerbal ion Bukonkur Weto rainin. Ej bareinwot ba bwe emoj an Leroij Esther Zedkeia bok maron eo jen an Rosalie kabjor maron ko jimor an Alap im Senior Dri Jerbal ion Bukonkur, ekkar non kein kamol, Exhibit I-13.

Rikabojrak Hiromi ej barienwot ba bwe Bukonkur Weto ej *imon bwij* im jab *imon botoktok*.

III. KAJITOK KO KAR LETOK NON TRC PANEL EO BWE EN UAAKE IM UAAK KO AN TRC:

- 1. Ikotaan Hiromi Kabua im Ronald Konou, im ro rej erra ak rie juon wot iaerro, won eo ejimwe im ekkar, iumin manit im iminene ilo wawen mour ko ilo Marshall Islands, bwe en kabjor maron eo an Alap ion Bukonkur Weto, Delap, Majuro Atoll, Marshall Islands?**

Hiromi Kabua. *Bukonkur Weto ear juon imon bwij. Ijo wot ke alkin an Likilon jako, ear wor wot ruo nejin emaan im ejelok kora. Kin menin ear lot bwij eo iben lomaro nejin Likilon, Jonah im Selvenios. Selvenios ear kabjor maron an Alap im Senior Dri Jerbal ilo an kar jako Jonah ak ejelok nejin. Alkin an kar Selvenios jako, ear wonlaltak wot maron ko an Alap im Senior Dri Jerbal non ro nejin iumin toor in botoktok. Enwot ke Hiromi ej rito tata nejin Selvenios, inem ejimwe bwe en e eo ej kabjor maron an Alap, iumin toor in botoktok jen jemen Selvenios.*

2. **Won eo ekkar bwe en bok jikin Alap eo rainin, ilo kotmene eo bwe armij in enaj mour wot ilo tore eo ej jako Alap eo kio?**

Rosalie Konou. *Enwot ke armij eo edriklak jen Hiromi im ej mour wot rainin ej Rosalie, inem ejimwe bwe ej e eo enaj kabjor maron eo an Alap, iumin toor in botoktok jen jemen, Selvenios.*

3. **Ikotaan Evelyn Konou im Saan Konou, im ro rej erra ak rie juon wot iaerro, won eo ejimwe im ekkar, iumin mantin Majol, im ekkar non iminene ko ilo mour in Marshall Islands, bwe en kabjor maron eo an Senior Dri Jerbal ion Bukonkur Weto, Delap, Majuro Atoll, Marshall Islands?**

Rosalie Konou. *Ilo tore in Hiromi ej kabjor maron an Alap ion Bukonkur Weto, ejimwe im jejjot bwe Rosalie, eo im edrik lok wot jen Hiromi en kabjor maron an Senior Dri Jerbal, einwot an kar Evelyn kabjor maron an Senior Dri Jerbal ion Bukonkur Weto.*

4. **Won eo ekkar bwe en naj jolete maron eo an Senior Dri Jerbal rainin, ilo kotmene in bwe enaj mour wot ilo tore eo ej jako Senior Dri Jerbal eo kio?**

Jaan Konou. *Ilo tore en Rosalie ej kabjor maron an Alap, ej e eo aliktata ilo ebeben eo an ro nejin Selvenios. Kin menin, maron eo an Senior Dri Jerbal enaj wonlaltak wot non ebeben eo tok ilal iben nejin emaan. Enwot ke Saan ej nejin Ronald im e eo emour rainin, inem ejimwe im jejjot bwe en kabjor maron an Senior Dri Jerbal maktata ilo ebeben eo tok ilal, enwot ke ej nejin emaan. Ro nejin kora renaj jolet maron an Alap.*

IV. MELELE KO IM UAAK KO REJ BEDBED IOER:

Court in ear ronjake naan in kamol ko an rikamol ro im party kein rar kur tok er non aer kamol, im etali aoleb paper in kamol ko im party kein rar jaki mantak bwe court in en buki non einwot kein kamol. Court in ear bar etali naan in iakwelel ko an party kein jimor im keidi non kein kamol ko.

Bukonkur Weto ej imon bwij ke ak imon botoktok rainin?

Ikijen iakwelel ko im rejelet Bukonkur Weto, elane ej juon *imon bwij* ke ak ej juon *imon botoktok*, Court in ear etale menmenbwij eo an rein aer Bukonkur Weto, Intervenor's Exhibit I-7 (A-3), im loe bwe Selvenios ear jolete maron ko an Alap im Senior Dri Jerbal jen lellap eo jinen, Likilon. Wawen in ej kalikar bwe Bukonkur ear juon *imon bwij*, ilo an kar etal maron ko an Alap im Senior Dri Jerbal non Selvenios jen Likilon. Court in ej bar kile bwe alkin an jako Selvenios, ro nejin rar jolete maron kein an Alap im Senior Dri Jerbal, inem ekkar non Manit, ear oktak wawen jolet jen *bwij* non *toor in botoktok*, einwot ke rein nejin Selvenios rej bok maron jen jemeor ak emaan im jab jen jineor ak kora, *Langidrik v. Dolar, CA2005-241*. Ilo naan in kamol ko an rikamol non Riabnono eo, Mr. Tijen Dick, ear ba ilo naan in kamol kein an bwe, elane enaj lot botoktok, inem enaj bar rol non bwij, im elane ej lot bwij eo, ej bar rol non botoktok.

Lajrak in jolet ekkar non menmenbwij eo an Selvenios.

Court in ej kile bwe Selvenios ear kabjor maron ko ruo an Alap im Senior Dri Jerbal ion Bukonkur Weto, bukon in Delap ilo Majuro Atoll, Marshall Islands. Court in ej bareinwot kile bwe Selvenios, ilo an kar juon Alap, ear lelok bwe ro nejin ren kabjor

maron eo an Senior Dri Jerbal, einwot an walok ilo kein kamol ko an Rikobatok eo, Intervenor's Exhibits I1, I2, I3, I4, I5, I6, im, I8. Ilo aoleben pepa kein, ej walok an Selvenios sign enwot juon Alap im Hiromi, im ne ejako, inem Evelyn rej sign ikijen Senior Dri Jerbal. Wawen in ej kamol kolmenlokjen eo an Court in bwe Selvenios ear konaan bwe rein nejin ren joleti maron kein kar an ion Bukonkur Weto, im bwe juon enjab jolete ruo maron ak en etal maron kein ruo non ro ejejot im ekkar bwe ren kabjori, ekkar non lajrak in jolet eo jen menmenbwij eo an Selvenios, Intervenor's Exhibit I7 (A-2 & A-3). Kein kamol Exhibit I7 ej bareinwot rie kolmenlokjen in an Court in bwe maron ko an Alap im Senior Dri Jerbal ion Bukonkur rek ajej laltak ikotaan rein nejin Selvenios, enwot an walok ilo I7(A-1). Ej bar einwot kalikare bwe lajrak in jolet in ear etal non Commission eo an Bwirej ilo Mona eo an Irojilaplap Kaibuki, ilo tore eo an Irojilaplap Amata Kabua, ilo June 21, 1996, im bwe member ro an Commission eo ilo tore eo rar kamole. Karok in im jemaron kamole ilo an walok ilo eltan pein Irojilaplap rein aer Bukonkur Weto ilo aer kar sign im Selvenios ej sign ikijen maron eo an Alap im Hiromi, im ne ejako, inem Evelyn rej sign ikijen maron eo an Senior Dri Jerbal. Elane jenaj koman oktak, melelein bwe jej loke manit eo, *ak jej komakut drekain jenme eo*, einwot ke Selvenios ear kelet bwe en Alap im ro nejin rej Rijerbal, ijelokin an kar maron kabjor maron kein jimor, ilo an Irojilaplap ro aer Bukonkur rie karok in an ilo aer kar likit eltan peior ilo pepa in lease ak kwon ko ion Bukonkur Weto. *Samuel v. Lokkar, CA99-299; Jorbon v. Michael & Laelang, CA2023-01720.*

Naan in Kean eo an Leroij Esther Zedkeia (I13).

Court in ej kile im kautej naan in kean eo an Irojilaplap eo an Bukonkur rainin, Leroij Esther Zedkeia, ilo naan in kipel ko an non bobrae ak kabojrak an etal maron ko an Alap ak Senior Dri Jerbal ion Bukonkur Weto non Rosalie. Ekkar non manit, Iroj eo eber maron eo iben non an bok maron jen kajur ro dron ion bwidrej ko an elane ewor un ko relab, *Lajeab v. Lukelan, 2TTR 5632*. Ilo naan in kojemlok ko an Rosalie, mekarta ilo tomak in an, Ronald eo enkar kabjor maron an Alab elane ear imon botoktok, ak ej bar kile bwe Hiromi ej kabjor maron eo an Alab rainin ion Bukonkur Weto. Ilo wawen in, Court in ej watok un eo bwe en jako maron ko jen Rosalie, ej jet ko remaron eman elane Rosalie enaj bok buntan ne ko non koman aenoman iben Leroij Esther Zedkeia, *Lejjena v. Langijota, CA2007-057*.

Rikamol an Riabnono Eo:

1. Tijen Dick
2. Jason Konou Cenicola
3. Dr. Holden Nena
4. Biwij John

Rikamol an Rikobatok Eo:

1. Dan Smith
2. Hirata Kabua
3. Brad Lamille
4. Wilson Note

Kein Kamol an Riabnono Eo:

1. Plaintiff's Exhibit P1 – Lease Agreement ikotaan Alap Selvenios, Dri Jerbal Evelyn Konou, im Iroiylaplap Amata Kabua

Kein Kamol An Rikobatok Eo:

1. Intervenor's Exhibit I-1 – Bank of Guam Security Agreement (Feb. 11, 1982)
2. Intervenor's Exhibit I-2 – Lease of a Warehouse Building (March 2, 1983)
3. Intervenor's Exhibit I-3 – MI Housing Authority Loan Fund Prgam: Acknowledge and Consent (March 8, 1987)
4. Intervenor's Exhibit I-4 - Lease of a Warehouse Building (July 15, 1987)
5. Intervenor's Exhibit I-5 - Consent to Loan (February 4, 1993)
6. Intervenor's Exhibit I-6 – Land Use Agreement for that part of Delap Elementary School on Bukonkur Weto
7. Intervenor's Exhibit I-7 – Mojen Eo An Iroiylaplap Kaibuki , Commission eo an Bwij (June 21, 1996)
8. Intervenor's Exhibit I-8 – Bujen Lease Ion Mottan in Bukonkur Weto (Oct. 15, 1993)
9. Intervenor's Exhibit I-9 – Land Lease for Delap Elementary Schoo (Nov. 9, 2005)
10. Intervenor's Exhibit I-10 – Land Owner's Consent in Respect to the Leasehold Mortgage Effecting Bukonkur Weto (Nov. 2, 2007)
11. Intervenor's Exhibit I-11 – Juon Kon im Melim Non Kalok Worwor Ibelakin Bukonkur Weto (April 29, 2017)
12. Intervenor's Exhibit I-12 – Bujen Lease Ion Mottan in Bukonkur Weto (August 9, 2018)
13. Intervenor's Exhibit I-13 - Affidavit Respecting Land Rights on Bukonkur Weto (Nov. 13, 2023)
14. Intervenor's Exhibit I-14 – Medical Report (May 23, 1994)
15. Intervenor's Exhibit I-15 – Application for Survivor Insurance Benefits (February 10, 1994)
16. Intervenor's Exhibit I-16 (August 1, 2018)
17. Intervenor's Exhibit I-17 (Sept. 20, 2018)

MANIT IM IMINENE KO REJELET CASE IN:

1. *Jab Komakut Dreka In Jenme eo*
2. *Imon Bwij*
3. *Imon Botoktok*

KEIDI MANIT IBEN MELELE KO REMOL:

1. Tomak eo an Court in alkin an etali kein kamol ko ilo case in bwe ear juon an Selvenios konaan im kotobar bwe ro nejin ren maron jolete maron ko ear kabjori ion Bukonkur Weto ilo ejelok abelonlon im nirboktak. Ej alikar ilo kwon ko non ekkal im kwon ko non amnak non ro nejin im bareinwot non ro rej itok jen likin bamle in an, einwot Jikin Jelalokjen eo. Itok non kabin kwon kein ear jab make iaan im kabin kwon kein ak ear bar kile ro nejin im rekkar bwe ren kabjor maron eo an Senior Dri Jerbal ilo tore eo ej Alab non Bukonkur Weto. Im wawen in Iroiylaplap ro aer Bukonkur rar bar kabin kwon kein ilo aer kile wawen an Selvenios kelet ro reritto nejin bwe ren bar sign ilo kwon kein non kalikar bwe er eo rej kabjor maron iben. Court in ej tomak bwe elane enaj ukot karok in an Selvenios, inem enaj jelet manit eo, *Jab Komakut Dreka in Jinme eo*. Kin menin, Court in ej kile bwe ejimwe im jejjot bwe maron eo an Alap en etal non Hiromi, im eo an Senior Dri Jerbal en etal non Rosalie, ekkar non lajrak in jolet eo ilo menmenbwij in an Selvenios im ro bwijin.
2. Berber ion kein kamol kein ilo case in, enwot an walok ilo kein kamol Exhibit I7, ilo tore eo Selvenios ear bok maron jen jinen, Likilon, Bukonkur ear juon *imon bwij*. Ekkar non manit, jined ej bwij.

3. Alkin an Selvenios jako im ilo an ejelok kar jein ak jatun kora, im ejelok jein im jatun emaan, maron ko an rar etal non ro nejin, iumin toor in botoktok enwot ke emaan rej botoktok. Kin menin ejimwe im jejjot bwe Hiromi en kabjor maron an Alab iumin botoktok im jej watoke Bukonkur Weto ilo tore in ej imon botoktok jen jemen. Rosalie eo edriklak jen Hiromi, im ilo an jako Ronald, ej kio kabjor maron an Senior Dri Jerbal.

NAAN IN KOJEMLOK:

Ekkar non Riabnono ro, rejba bwe Saan eo im ej make wot nejin Ronald, eo ejkab jako lak, ej e eo ej Senior Dri Jerbal. Court in ej kile lajrak in jolet eo ilo menmenbwij eo an Selvenios im ro bwijin, im tomak bwe elane enaj itok non ebeben eo an Saan, inem ro nejin ritto tata kora, Hiromi, renaj kabjor maron an Alab, im eo nejin emaan im ej mour wot enaj kabjor maron eo an Senior Dri Jerbal. Court in ej kotmene bwe rein uwaan bamle in an Selvenios renaj maron lale dron im jela nae dron enwot ke ej manit eo aurok in.


Raan: 4/13/2020



Grace L. Leban
Presiding Judge, TRC



Nixon David
Associate Judge, TRC

 4/13/2020

Claire T. Loeak
Associate Judge, TRC