

FILED

MAY 25 2016

ASST. CLERK OF COURTS
REPUBLIC OF THE MARSHALL ISLANDS

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

HARRY UENO,)
)
PLAINTIFF,)
)
VS.)
)
AMBULAIN LAJAR, ET AL,)
)
RESPONDENTS.)
_____)

CIVIL ACTION NO. 2002-008

OPINION AND ANSWER OF THE TRADITIONAL RIGHTS
COURT

MEMBERS OF THE TRC PANEL:

WALTER K. ELBON, PRESIDING JUDGE

NIXON DAVID, JUDGE

GRACE LEBAN, JUDGE

DATE OF HEARING(S): DECEMBER 15-18, 2015

PLACE OF HEARING(S): MAJURO COURTHOUSE

ACTION TAKEN:

The question before Panel of the Traditional Rights Court panel is:

WHO IS THE IROJEDRIK, ALAP AND SENIOR DRI JERBAL ON TERON WETO, RITA VILLAGE, MAJURO ATOLL, AND WHO HELD THESE RIGHTS BACK IN SEPTEMBER 4, 1992?

ANSWER:

For Irojiedrik, the agreement and Judgment in High Court Civil Action No. 1990-170 show that it is correct and proper for the adopted children of Joab Jakeo to inherit Joab's share, including monetary compensations on some of his land on Majuro Atoll. This includes Teron Weto, Rita Village, Majuro Atoll.

The Alap and Senior Dri Jerbal titles are not yet determined until High Court Civil Action No. 2003-122 has been heard. During 1992, it shows the signatures on the Land Lease Agreement of Ambulin Lajar on Teron Weto, that Lida Edward was the Alap, and Labi Tibon was the Senior Dri Jerbal, and there is no Irojiedrik.

ISSUE(S) IN THIS CASE:

This case came forth when there was a dispute as to who is the Irojiedrik for Teron Weto, and the question of who should Ambulin Lajar pay the Irojiedrik's share to. Harry Ueno filed a Complaint and declared that he is the proper Irojiedrik title holder. The Defendant, Ambulin Lajar, said that he does not recognize Harry Ueno as the Irojiedrik on Teron Weto. The members of the Tibon family intervened in this matter and also said that they do not recognize Harry Ueno as the Irojiedrik on Teron Weto.

There was evidence presented through documents and testimony of witnesses. Plaintiff Exhibit 6, the Will of Joab Jakeo, which he and his elder sister, Liejbar, signed and gave Joab's adopted children his share of money, goods, and food received from these land. There are 8 wetos listed on Plaintiff Exhibit 6, and two of these wetos are Teron and Lojaurok Wetos. From the time when Joab's Will was made, until the time when CA1990-172 was heard, and a Judgment reached, the Will was never contested. In 2005, Harry Ueno filed a lawsuit, Civil Action Case No. 2005-077, while at the same time High Court Civil Action Case No. 2002-008 was pending. On some of the 24 lands that Harry Ueno claims the Irojiedrik's title to, there are those who do not recognize Harry Ueno as an Irojij. Furthermore, there was sufficient time for Ueno and his predecessors to talk with the members of the 20/20, or the Jebdrik's Committee also known as, "Bed en an Jebdrik", which took over the 20/20 group, to determine their claim. In High Court Civil Action Case No. 1990-170, and High Court Civil Action Case No. 2005-007, both cases indicated that the right to the personal properties of Joab Jakeo were to go to his adopted children. In addition, there should have been a declaration from the 20/20, or the Bed en an Jebdrik as to who is the proper and rightful person to inherit Joab Jakeo's rights. For these reasons, and based on the Judgment in High Court Civil Case No. 1990-170 and 2005-077, this Court finds that Harry Ueno cannot replace Joab Jakeo as the Irojiedrik.

NAME(S) OF WITNESSES FOR PLAINTIFF:

1. Harry Ueno
2. Irojij Kotak Loeak
3. Lieomede Anna Ueno

NAME(S) OF WITNESSES FOR DEFENDANT:

1. Betty Tibon Imaikata
2. Amon Tibon

PLAINTIFF'S IMPORTANT ITEMS AND TANGIBLE AND DOCUMENTARY EVIDENCE RECEIVED:

1. Plaintiff Exhibit 1 – Certificate of Approval and Eligibility
2. Plaintiff Exhibit A1 to 5 – Affidavit of Harry Ueno
3. Plaintiff Exhibit 3/Exhibit A – Plaintiff's Opposition to Motion to Join
4. Plaintiff Exhibit 4 – Determination of Ownership
5. Plaintiff Exhibit 5 – Association Goes on Record
6. Plaintiff Exhibit 6 – Kalimur of Joab Jakeo
7. Plaintiff Exhibit 7 – Names of Weto on Aen Kan
8. Plaintiff Exhibit 8 – Menmenbwij
9. Paper Recognizing Jorene Lolur

DEFENDANT'S IMPORTANT ITEMS AND TANGIBLE AND DOCUMENTARY EVIDENCE RECEIVED:

1. Defendant's Exhibit 1 – Tibon's Genealogy
2. Defendant Exhibit 2 – Ownership ad Release 59-9
3. Defendant Exhibit 3 – Land Registration Authority
4. Defendant Exhibit 4 – Land Registration Authority Objection
5. Defendant Exhibit 5 – Karokan Maron Ko an Iroj Jebdrik Erakrik
6. Defendant Exhibit 10 – Bujen Lease Teron Weto
7. Defendant Exhibit 12 – Death Certificate of Lionwij Ledror
8. Defendant Exhibit 13 – Death Certificate of Lamdrik Lolur
9. Defendant Exhibit 14 – Death Certificate of Takam Labija
10. Defendant Exhibit 15 – Death Certificate of Joab Jakeo
11. Defendant Exhibit 16 – Death Certificate of Nejia
12. Defendant Exhibit 17 – Death Certificate of Aisak Lamadre

OTHER MATTERS THE COURT PANEL DEEMS IMPORTANT TO MAKE KNOWN:

Joab Jakeo was Irojiedrik to some of the wetos on Majuro Atoll, and two of those wetos are Teron and Lojaurok Wetos on Rita Village, Majuro Atoll. The Alap and Dri-Jerbal on these two wetos are the ones that determine who is the Irojiedrik on these wetos. From the time of death of Joab Jakeo, it was never determined who was the proper successor of Jakeo. Harry Ueno's predecessors were never recognized

to be next in line after Joab Jakeo. It took a long time, and there was never a challenge to the Will of Joab Jakeo, Plaintiff Exhibit 6.

Dated: 05/24/16

/s/

Walter K. Elbon
Presiding Judge
Traditional Rights Court

/s/

Nixon David
Judge
Traditional Rights Court

/s/

Grace Leban
Judge
Traditional Rights Courts