

FILED

JAN 07 2015

**CLERK OF COURTS
REPUBLIC OF MARSHALL ISLANDS**

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

LISE SHEET and,)
ESTHELLA LEVITICUS,)
)
Plaintiff(s),)
)
VS.)
)
)
ROSBETH LANGTUR,)
)
Defendant(s).)
_____)

CIVIL ACTION CASE NO. 2009-212

OPINION AND ANSWER OF THE TRADITIONAL
RIGHTS COURT.

MEMBERS OF COURT PANEL:

WALTER K. ELBON, PRESIDING CHIEF JUDGE
NIXON DAVID, ASSOCIATE JUDGE
GRACE LEBAN, ASSOCIATE JUDGE

DATE OF HEARING(s):

PLACE OF HEARING: ULIGA COURTHOUSE, MAJURO ATOLL.

QUESTION REFERRED TO THE TRADITIONAL RIGHTS COURT IN THIS CASE:

The question put before the Panel of the Traditional Rights Court for answer is, According to Marshallese custom, who between the Plaintiffs and the Defendant is the rightful heir(s) of the house that is in dispute in this case?

ANSWER TO QUESTION NUMBER 1: LISE SHEET AND ESTHELLA LEVITICUS.

DISCUSSION AND INFORMATION ON QUESTION NUMBER 1:

The house discussed in this case is located at Jenebneb Weto in Rairok Village, Majuro Atoll. This house belongs to Nei Wai Bobo as agreed by both parties (see Joint Rule 2 Statement, part 3). It is also clear that David Bobo did not participate in the building of the house that is in discussion. His older brother, Elias Bobo was the one that was responsible for the construction

of his mother's house, Nei Wai Bobo, which was built at Jenebneb Weto in Rairok. Elias Bobo also was involved in asking permission from the Alap of Jenebneb Weto to build the house.

QUESTION NUMBER 2?

Is Nei Wai Bobo's Will valid? And if it is valid, can the Defendant, Rosbeth Langtur, still reside in the house which is in dispute in this case?

ANSWER TO QUESTION NUMBER 2:

Nei Wai Bobo's Will is valid and the Defendant, Rosbeth Langtur can still live in the house that is in dispute in this case since she is the mother of children of David Bobo. However, she still needs to approach the children of Nei Wai and make arrangement or seek permission with them. The children are Lise Sheet and Esthella Leviticus, and other children of Nei Wai who are still living today.

DISCUSSION AND INFORMATION ON QUESTION NUMBER 2:

The Will of Nei Wai Bobo that was hand written, Plaintiff Exhibit "A" is valid. Wana Bobo Lokboj and Lise Sheet, in their testimonies, stated that they know and they recognized the handwriting of Nei Wai Bobo, their mother and grandmother respectively. They used to live with her and saw her composing songs. When Lise Sheet used to go to school outside of the Marshall Islands, she used to receive letters from her mother Nei Wai Bobo. All these occurrences conclude that Nei Wai Bobo did hand write the Will herself. And this Will is for the children of Nei Wai foremost, and thereafter, for her grandchildren, it is then clear that Rosbeth Langtur needs to approach the children of Nei Wai to be able to live in the house which is in dispute in this case. As for the children of David and Rosbeth Langtur and the other children of David Bobo before Rosbeth Langtur, they will also need to seek permission with the children of Nei Wai Bobo to be able to live in the house.

QUESTION NUMBER 3:

According to Marshallese custom, who between the Plaintiff and the children of Rosbeth and David Bobo is the proper persons to inherit the house in dispute? And what about the children of David with his previous wife?

ANSWER TO QUESTION NUMBER 3: The Plaintiff.

DISCUSSION AND INFORMATION ON QUESTION NUMBER 3:

Both parties agreed that the house belongs to Nei Wai and her husband who died before her. And since the TRC Panel, who heard the case, agrees that the Will of Nei Wai Bobo is valid, it is

clear that the children of Nei Wai are first the successors and after the grandchildren, including the children of David and Rosbeth Langtur, and the children of David with his wife before Rosbeth Langtur.

NAME(S) OF WITNESSES FOR PLAINTIFF:

1. Wana Bobo Lokboj
2. Biolynn Langrine
3. Lise Bobo Sheet
4. Caroline B. Botla

NAME(S) OF WITNESSES FOR DEFENDANT:

1. Rosbeth Langtur

TANGIBLE AND DOCUMENTARY EVIDENCE RECEIVED:

1. Plaintiff Exhibit A – Kalimur
2. Plaintiff Exhibit B – Power of Attorney
3. Plaintiff Exhibit C – Kojela kin Komakiti
4. Plaintiff Exhibit D – Kojela kin Komakiti
5. Defendant Exhibit D
- 6.

OTHER MATTERS THE COURT PANEL DEEMS IMPORTANT TO MAKE KNOWN:

Plaintiff Exhibit “C” and Exhibit “D” proved that the house that is located at Jenebneb Weto belongs to Nei Wai Bobo only. It is also clear in the Exhibits that the Iroj and Alap of the weto do not agree that Rosbeth Langtur should live on their weto.

It was also clear during the trial that there is another house that belongs to David Bobo and Rosbeth Langtur in Rita Village, which David and Rosbeth used to lived in prior to moving to the house of Nei Wai Bobo at Jenebneb Weto at Rairok Village.

Date: _____

Walter K. Elbon
Presiding Chief Judge of the Panel
Traditional Rights Court

Nixon David
Associate Judge of the Panel
Traditional Rights Court

Grace Leban
Associate Judge of the Panel
Traditional Rights Court