

FILED

APR 14 2014

ASST. CLERK OF COURTS
REPUBLIC OF MARSHALL ISLANDS

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

COLLEEN E. LORENNIJ and,)
ROMITA ENOCH)
)
Plaintiff(S),)
)
-vs-)
)
)
HILLA ENOCH)
)
Defendant.)
_____)

CIVIL ACTION CASE NO. 2010-182

OPINION AND ANSWER OF

THE TRADITIONAL RIGHTS COURT

MEMBERS OF COURT PANEL:

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

DATE OF COURT PANEL'S HEARING:

NOVEMBER 11TH AND 13TH, 2013

HEARING VENUE: ULIGA COURTHOUSE, MAJURO ATOLL

The question put before the panel of the Traditional Rights Court for answer is, "WHO IS THE PROPER PERSON(S) BETWEEN COLLEEN E. LORENNIJ AND ROMITA ENOCH, AND HILLA ENOCH, TO HOLD THE LAND TITLE OF ALAB AND DRI JERBAL/SENIOR DRI JERBAL ON UNEJ WETO, LAURA VILLAGE, MAJURO ATOLL, MARSHALL ISLANDS?".

ANSWER TO QUESTION: HILLA ENOCH.

Information considered by panel as accurate:

Hilla Enoch is the eldest son of Tarkeim Enoch. Hilla was born to and raised by Tarkeim Enoch,

on Unej weto on Jeirok, Laura Village, Majuro Atoll, Marshall Islands. During Hilla's testimony, he testified that he also assisted his mother, Tarkeim Enoch, looking after and taking care of the Linlok and Jerkak, the last landowners of Unej Weto, during their last living days. Linlok and Jerkak both made verbal and not in writing of who would inherit their land rights as Alab and Dri Jerbal on Unej Weto.

Tarkeim signed a typed written **Will**, which was made on September 27th, 2004. In the **Will**, it states that Tarkeim gives the Alab rights to Mrs. Colleen Enoch Lorennij, and the Dri Jerbal rights to Ms. Romita Enoch. In the **Will**, it does not state any substantial reasons why the **Will** was made. During the testimony of Iroj Alden Namna, who succeeded late Iroj Telnan Lanki, who had signed Tarkeim Enoch's **Will**, he testified that the Will was not in accordance to the Marshallese custom. Iroj Namna further stated that the Will passed over other children of Tarkeim Enoch and other members of the family. Rien Enoch, who is younger than Hilla Enoch, testified that he also lived on Unej Weto. He testified that he has no knowledge, whatsoever, as to why Tarkeim Enoch, would have made a Will and passed over him and his children.

The Plaintiffs stated in their Claim which was filed with Court that the Defendant and his children usually disturb their peace and cause trouble by taking crops from their vegetation, such as coconuts, bananas, breadfruits, and limes which the Plaintiffs claimed belonged to them. They also claimed that the Defendant also cuts down their crops and destroys them. And that the Defendant also caused trouble by closing their water well, which the Plaintiffs used every day. In the Defendant's respond, he claims that it is his nieces or the Plaintiffs who are the ones that caused problems on Unej Weto, because they claimed that they hold the Alab and the Dri Jerbal rights on Unej Weto.

The TRC Panel who heard the case and did further considerations finds that there was no real reason why the **Will** had to take the rights from Hilla Enoch and Rien Enoch, and passed it on to their nieces, Colleen E. Lorennij and Romita Enoch. As stated by Hilla Enoch in his testimony, he also grew up and stayed at Unej Weto with his mother Tarkeim Enoch, and helped her look after the elders that owned the weto. Therefore, it is only right and proper that Hilla Enoch inherit the Alab and Dri Jerbal on Unej Weto after the death of his mother, Tarkeim Enoch

Unej weto belongs to all the children and grandchildren of Tarkeim Enoch, and those that follow down the generations. It is considered a 'bwij land' beginning from Tarkeim Enoch. Even though Hilla Enoch holds the rights of Alab and Dri Jerbal, being the eldest child of Tarkeim Enoch, however his younger siblings and their children also have rights on Unej Weto. Hill Enoch should not cause any trouble by destroying their crops or any of their properties. He must also open any roads that he had blocked so that they can access their houses on Unej Weto from the main road.

Names of witnesses for the Plaintiff:

1. Jorbit Mojetin
2. Colleen Enoch Lorennij

Names of witnesses for the Defendant:

1. Rien Enoch
2. Alden Namna
3. Hilla Enoch

Important Items and Tangible and Documentary Evidence Received

1. Plaintiff Exhibit A
2. Plaintiff Exhibit A1

Other matters the Court Panel deems important to make known:

As it was agreed and understood by both parties in this case, Unej Weto is an 'Imon Kalotlot' and was given to Tarkeim by Jerkak. It is an acceptable understanding that because Tarkeim was the mother of the family, and she was given the land. Therefore, it is only correct that her children should also inherit the land since they also helped her in taking care of the elders that owned Unej Weto. Unej Weto have now turned into 'bwij land' since Tarkeim Enoch, therefore, she should have informed all her children of the **Will**.

It is a Marshallese practice that most of the time grandparents would adopt their grandchildren and would become closer to them than their own children. Therefore, most often the grandparents would listen to and look up to what their grandchildren say. However, in order for a **Will** to be authentic, there

has to be a valid reason to skip or remove those that are next in line to a title. In this case, Hilla Enoch and Rien Enoch are next in line after Tarkeim Enoch, and they grew up and stayed with their mother, Tarkeim Enoch during her lifetime, and they also helped her take care of the elders that owned Unej Weto.

Colleen E. Lorennij and Romita Enoch and their children and all those in line to Tarkeim Enoch, are all people that Unej Weto belong to and have rights over the weto. They have the rights to clean their areas which they've built their houses upon and live off the vegetation that they have grown on their areas. Hilla Enoch, who is their uncle and who is the eldest in the family of Tarkeim Enoch at this time, has the responsibility as an Alab and Senior Dri Jerbal to look after and take care of them.

Dated: January 29, 2014

/S/

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

/S/

**Nixon David
Judge of the Panel
Traditional Rights Court**

/S/

**Grace Leban
Judge of the Panel
Traditional Rights Court**