

FILED

SEP 16 2004

Berson J. Centro

DEPUTY CLERK OF COURTS
REPUBLIC OF MARSHALL ISLANDS

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

Aine Kelet, et al,)	CIVIL ACTION 1996-201
)	
Plaintiffs)	
Vs)	<u>OPINION</u>
)	
Telnan Lanki & Peter Bien,)	
Defendants)	
_____)	

The Traditional Rights Court commence hearings in this case, High Court Civil Action No. 1996-201 on March 23, 2004, then recessed due to the death of Kelet, the husband of Plaintiff Aine Kelet. And on July 19 until August 6, 2004, the hearings were held at the Courthouse in Majuro, Republic of the Marshall Islands. The Traditional Rights Court Panel consisted of Associate Judge Billiet Edmond, Pro Tem Associate Judge Botlang Loeak, and Berson Joseph, the Acting Chief Judge.

The case was referred to the Traditional Rights Court to resolve the dispute between the parties herein, and to determine under the custom, "Who is the appropriate and proper person to hold and to exercise the Dri Jerbal rights on LOKEJBAR WETO, Majuro Atoll." This Court recognizes the most valued custom which can contribute so much to resolve the dispute based on custom.

THE CUSTOM: **MOMAN MARONRON**

It is one of our best and we should learn how to exercise it. It is one of the customs that is sometimes exercised properly, sometimes not. We will examine how this custom (**Moman maronron**) exercised properly in the discussions of this case later.

RESOLUTION OF THE DISPUTE:

- A. Question No. 1 as presented: Who is the proper person to hold the Dri Jerbal rights on Lokejbar Weto?
 - a) Opinion in answer to the question: TAKJU JIMI
 - b) Brief statement of reasoning on which opinion in answer to the question is based:

Lokejbar Weto is a Gift Land, not bwij land. In the testimony of Iroj Jeltan Lanki, he testified that Namidrik conveyed both the Alab and Dri Jerbal rights on the subject weto to his wife named LIMOJ. The conveyance by Namidrik was consented and agreed to by all the Iroj of the weto. LIMOJ was acquainted with a woman named LIBARKI from Ailuk Atoll who became her best friend. The friendship was very intimate as was stated. Therefore, with the approval of Namidrik and Iroj Tel, Limoj conveyed the dri jerbal rights to her best friend LIBARKI.

Also in his testimony, Iroj Jeltan Lanki testified that each lady had prepared her own will . Limoj named her adopted son Ajidrik Bien in her will, and Libarki named her son Takju Jimi in hers. Based on the custom, both wills are still valid today, there is no doubt about it!

B. PLAINTIFF EXHIBIT NO. 7a = GENEALOGY CHART

Libarki had four (4) children, three daughters and one son. (please see the genealogy chart). The question is – why Libarki named Takju Jimi in her will? Well, only Libarki knows why, however this court may somehow know the reason. Had Libarki not prepared the will, then Lokejbar Weto would have BECOME bwij land. The Plaintiffs have land rights on Ailuk Atoll, which rights belong to themselves. The ladies are fortunate enough to have something to inherit. It should ALSO be understood that a mother is not in the position to designate MOMAN MARONRON. The option to choose or appoint the MOMAN MARONRON rests with the older sisters of the brothers in the family. There were examples of such practice exercised by certain families without problems in the past.

C. PLAINTIFF EXHIBIT NO. 7 = LEASE AGREEMENT

For Lokejbar Weto: The lease is valid and self-explanatory!

In fact, there are a number of dri jerbal on a land. However, the important point in this case is that, how many who are exercising the TITLE at any particular time. We have learned through experience of the custom and traditional practice that ONLY ONE person may hold the title of an Iroj, an Alab, and also the Dri Jerbal at a time. There are those who are in line to succeed those who will pass away. There is no question about this!

This Court recognizes that the Defendant is in-line to succeed to the ALAB title. This Court cannot and has no authority to deny all the arrangements contained in Limoj's will.

D. PLAINTIFF'S WITNESSES NAMES AND ADDRESSES:

- | | |
|---------------------------------|---------------|
| 1. Toberlang Clarence | Laura Village |
| 2. Peter Bien (Hostile witness) | Uliga Village |

- | | |
|----------------|----------------|
| 3. Eonis Dribo | Dedlap Village |
| 4. Kate deBrum | Rita Village |

E. PLAINTIFF'S EXHIBIT 1-12:

Although there were a number of exhibits submitted the Court based its opinion on only three exhibits:

1. Iroj Jeltan Lanki's testimony
2. Libarki's will
3. The Land Lease Agreement

F. DEFENDANT'S EXHIBITS:

1. Leroij Kalora's Kalimur
2. Receipt of Payment

G. DEFENDANT'S WITNESSES AND ADDRESSES:

- | | |
|----------------------------|-----------------------|
| 1. Kolej Kios | Laura Village |
| 2. Roselind Matthew | Delap Village |
| 3. Norman Matthew | Delap Village |
| 4. Telson Lanki | Rairok Village |

H. THE CASE: During the hearing of the case, the following information were adduced:

1. Aine Kelet: Although she participated in the clean-up and being the daughter of the oldest siblings of Libarki, she cannot become a successor to the Dri Jerbal title on the weto in question. She was not named in the will.

2. Peter Bien: Pursuant to Limoj's will, Ajidrik Bien succeeded Limoj to the Alab title. Roselind Matthew and her brothers and sisters including Dependant Peter Bien will succeed Ajidrik Bien to the Alab title.

3. Takju Jimi: He had a son named, HACKNEY TAKJU. In fact, Hackney was the named Plaintiff in High Court Civil Action No. 1996-201. Based on customs and traditions, Hackney is considered included in the will.

Therefore, this Court recognizes that the appropriate and proper person to hold the DRI JERBAL Title to LOKEJBAR WETO is HACKNEY TAKJU.

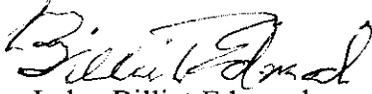
AN ADVICE: The Iroij of the land has the right to REPOSSESS the land and give it to someone else if you do not take care of it. KNOW HOW TO RESPECT THE CUSTOM.

Any outstanding debts owed to one party by the other is hereby forgiven, and the parties should make a new beginning

Entered in Majuro this 8th day of September, 2004



Judge Berson Joseph
Acting Chief Judge, TRC



Judge Billiet Edmond
Associate Judge, TRC



Judge Botlang Loeak
Pro Tem Associate Judge, TRC