

IN THE MATTER OF THE PETITION FOR DISTRIBUTION  
OF THE ESTATE OF JUAN P. FAISAO, Deceased

By CONSOLACION K. FAISAO, Widow and Petitioner

Civil Action No. 190

Trial Division of the High Court

Mariana Islands District

August 19, 1968

Action for title determination. The Trial Division of the High Court, E. P. Furber, Temporary Judge, held that the land in question passed to deceased's surviving brother subject to a trust agreed upon between the parties.

Marianas Land Law-Trusts

Where deceased agreed with his brother, having no sister, that he would hold certain lands for the benefit of all their mother's descendants, upon his death -the land passed to the surviving brother subject to the trust assumed by the deceased.

FURBER, *Temporary Judge*

FINDINGS OF FACT

1. The deceased Juan P. Faisao agreed with his brothers (he having no sister) that he would hold for the benefit of all the descendants (both those in the female line and those in the male line) of their mother, Cornelia P. Faisao, all lands given by Antonia Opolwa to either said Cornelia P. Faisao or said Juan P. Faisao.

2. Exchanges made by Juan P. Faisao of certain of said lands were agreed to or acquiesced in by all concerned with the understanding that the lands acquired in such exchanges would be held in the same manner that the lands given up in the exchanges had been held.

3. The title determinations made in favor of Juan P. Faisao as to any of these lands were made without notice to the objector Ramon P. Faisao and without consideration of determination of the equities of any descendants of Cornelia P. Faisao other than said Juan P. Faisao.

OPINION

All the parties being of Carolinean ancestry and the objector Ramon P. Faisao being the deceased's only brother living on Saipan and having no sister, the court holds that, under the facts found and the custom among Carolineans on Saipan, the control of the lands in question on the death of the deceased passed to said Ramon P. Faisao subject to the trust assumed by the deceased and in other matters to said custom among Carolineans.

For a general description of the Carolinean system of land tenure on Saipan, see "*Saipan-The Ethnology of a War-Devastated Island*" by Alexander Spoehr, p. 363 to 369 (published by the Chicago Natural History Museum as "Fieldiana Anthropology", Vol. 41).

## JUDGMENT

It is ordered, adjudged, and decreed as follows:-

1. The petitioner's amended petition is denied.
2. As between the parties and all persons claiming under them:-

a. The lands on Saipan in the Mariana Islands District formerly owned by Antonia Opolwa and listed in the name of Juan P. Faisao at the time of his death and lands acquired by him in exchange for lands formerly owned by said Antonia Opolwa, including the piece acquired in an oral exchange with Juan M. Ada (later purportedly confirmed by Deed of Exchange between the heirs of Juan Faisao, dated March 30, 1964, and recorded in the Office of the Clerk of Courts for the Mariana Islands District in Book 1, p. 51), are now held by the objector Ramon P. Faisao, who lives on said Saipan, in trust for the benefit of all the descendants (including those in the male line) of his mother Cornelia P. Faisao and are to be administered for them in accordance with custom among Carolinians on Saipan.

b. The parties appear to believe that the lands in question are as follows:-

1. The eastern part of Lot No. 1925 Garapan District on said Saipan, covered by the Title Officer for the then Saipan District's Determination of Ownership No. 401, dated October 9, 1952, and filed with the Clerk of Courts for the then Saipan District October 20, 1952, subject to a Grant of Perpetual Easement for Beach Road by Juan Faisao, dated March 21, 1956.

II. Lot No.4, Block No. 16, South Garapan Village, on said Saipan, covered by Grant of Public Domain Lands by the Government of the Trust Territory of the Pacific Islands, Saipan District, to Juan Faisao, dated

January 31, 1958, and filed with the Clerk of Courts for the then Saipan District April 3, 1958.

III. The South portion of Lot No. 355 in Chalan Kanoa District, on said Saipan, as shown on Land and Claims Map No. 8 on file with the Clerk of Courts for the Mariana Islands District, being the land acquired by Juan P. Faisao in an oral exchange with Juan M. Ada, purportedly confirmed by the deed mentioned in subparagraph a above.

3. The court makes no determination as to the correctness of the descriptions in the documents listed in subparagraph 2b above and this judgment is without prejudice to any interested party's seeking, by motion in this action or by separate action, an exact determination of the lands covered by subparagraph 2a above, but as to all other matters this is a final judgment.

4. The District Land Title Officer for the Mariana Islands District is requested to note this judgment in his records.

5. No costs are assessed against any party.

6. Time for appeal from this judgment is extended to and including October 21, 1968.