

In the Matter of the Estate of BULELE, Deceased

Probate Case No. 5

Trial Division of the High Court

Marshall Islands District

May 18, 1968

Hearing on objection to distribution of portion of decedent's estate. The Trial Division of the High Court, R. K. Shoecraft, Chief Justice, held that portion of estate to which objection was made was not sole property of deceased but was held in his name for all the members of the *bwij* and thus the *iroij*, *alab* and *dri jermal* were entitled to their proportionate share.

Trusts—Generally

Although money was deposited in name of one as *alab*, and he had full authority to make withdrawals, it was clear that such funds were not the sole property of the *alab* but were held in his name for all of the members of his *bwij* and that the *iroij*, *alab* and *dri jermal* were entitled to their proportionate share.

<i>Assessors:</i>	HONORABLE KABUA KABUA and HONORABLE LINO KORABB
<i>Interpreter:</i>	LANGINMO JACOB
<i>Counsel for Petitioner:</i>	LEVI, L.
<i>Counsel for Objector:</i>	ATIDRIK MAIE, PRO SE

SHOECRAFT, Chief Justice

Held before the Honorable Robert K. Shoecraft, Chief Justice, at Ebeye, Marshall Islands, on May 14 and 15, 1968.

This matter came before the Trial Division of the High Court for hearing on the petition of Ille Bulele for appointment as Administrator of the Estate of Bulele, deceased

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father of the petitioner. Notice of said petition was served on the surviving children of the decedent, and on February 13, 1968, the said children, Nuka Bulele, Jillo Bulele, Rema Bulele, Ruta Bulele, and Annie Bulele, filed their "Release and Waiver of Claim" purporting to transfer any and all claims they have against the Estate to Ille Bulele, petitioner herein, and youngest son of the petitioner. However, upon the hearing of this matter it has been determined that the "Release and Waiver of Claim" was intended by said children of decedent to waive only any right they may have to act as administrators of the estate, and was not intended as a waiver of any of their rights to inherit from the decedent.

On March 4, 1968, Atidrik Maie filed his objection to the petition as to that portion of the assets of the decedent's estate which consists of money invested in the Marshalls Import Export Company (hereinafter referred to as MIECO), but mistakenly referred to in the filed Objection as being deposited in the Bank of Hawaii. All parties agreed that the funds referred to are deposited or invested in MIECO, and that the present balance of said funds is \$5,420.00. It was further stipulated by the parties that this hearing on the petition would also include the Objection filed by Atidrik Maie, that there is no objection to distribution of that portion of decedent's estate consisting of one dwelling house located on Carlos Island, and one dwelling house located on Ebeye Island, to the children of the decedent, and that the sole issue to be determined in this hearing is the disposition of the funds deposited or invested in MIECO, as a determination of this issue would indicate whether or not administration of this estate is necessary.

From the evidence it appears that the amount originally invested in MIECO was \$7,600.00 and was one-fourth of the payment received from the Trust Territory Govern-

ment in 1964 for the lease of the *wetos* of Monturinbwol, Eokoan, and Worlap on Kwajalein Island. It is noted that the lease agreement specifies merely "all of the Island of Kwajalein" and does not specify *wetos* by name. The owners of Kwajalein Island held a meeting prior to said payment and agreed that the total payment would be divided into four (4) shares as follows:—

One-fourth to the *Iroi*

One-fourth to the *Alab*

One-fourth to the *Dri Jerbal*

One-fourth to be invested in MIECO

and that this pattern of division was to be followed as to each *weto* involved.

From the evidence it appears that the above division was carried out as to the above-mentioned three *wetos* under Bulele, as *Alab*, but that the *Alab's* share was not paid directly to Bulele but was distributed to five (5) older relatives of Bulele: Maie, uncle of Bulele; Libato, mother of Bulele; Tamlo, uncle of Bulele; Nienkobej, aunt of Bulele; and Kajime, an uncle of the four previously named, all of whom are now deceased. Laninbwil, Laninboj, and Laibwai, younger brothers of *Alab* Bulele, made the above distribution of the *Alab's* share after it was received by Laninbwil as representative of Bulele. From the funds received by the above five persons, Bulele was given about \$1,000.00 by his mother and Nienkobej, his aunt. Neither the petitioner nor his brothers and sisters contend that the above distribution was improper under Marshallese custom, but do contend that since all of the *Alab's* share was not received by Bulele, the one-fourth share deposited or invested in MIECO in the name of Bulele, as *Alab*, should now become their property, as children and heirs of Bulele.

Although it appears that the one-fourth share deposited in MIECO was deposited in the name of Bulele, as *Alab*,

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and that Bulele had full authority to, and did, make withdrawals, it is clear that these funds were not the sole property of Bulele, but were held in his name for all of the members of his *bwij*, and that, as to this one-fourth of the land payment, the *Iroi*, *Alab*, and *Dri Jerbal* are still entitled to their proportionate shares.

It further appears from the evidence that no *Alab* has been designated in accordance with Marshallese custom to succeed Bulele as *Alab*.

ORDER

It is hereby ordered, adjudged, and decreed:—

1. That the dwelling houses located on Carlos Island and Ebeye Island, formerly owned by Bulele, are the property of Nuka Bulele, Jillo Bulele, Rema Bulele, Ruta Bulele, Annie Bulele, and Ille Bulele, surviving children of Bulele.

2. That the \$5,420.00 now invested or deposited in MIECO in the name of Bulele is the property of all of the members of Bulele's *bwij* who have land rights in the Kwajalein Island *wetos* of Monturinbwol, Eokoan, and Worlap, and these funds shall be retained in MIECO until such time as an *Alab* is selected in accordance with Marshallese custom to succeed Bulele. Upon the selection of such successor *Alab*, and the certification of the *Iroi* and senior *Dri Jerbal* of the above-named *wetos* that such successor has been selected, MIECO is hereby authorized to transfer said funds to the succeeding *Alab*.

3. It appearing that further administration of this estate is unnecessary, the same is hereby dispensed with.