

P.L. 2006-59

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AN ACT

to amend the Land Recording and Registration Act 2003 (principal Act) to provide for registration processes, advertising notices of application for registration in the Government Gazette, to simplify applications for registration and to terminate the use of real property trusts as securities for loans.

BE IT ENACTED BY THE NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS

Section 1. Short title.

This Act may be cited as the “Land Recording and Registration (Amendment) Act, 2006.”

Section 2 Amendments.

The following provisions of the principal Act are hereby amended as follows:

(1) Section 422 subsections (1) and (2) of the principal Act are hereby deleted in their entirety, to be replaced with a new subsection (1) to read as follows:

§422. Recording of court orders.

(1) The Clerk of Courts shall forward a certified copy of any court order affecting an interest in land to the Land Registration Authority for recording without payment of any fee.

(2) Section 425 subsection (2)(h) of the principal Act is hereby amended to read as follows:

1 **§425. Application for registration.**

2 (2) A registration application for the original registration of an interest in land shall
3 be made in the form prescribed by the Authority and shall contain the following
4 information:

5 (h) notarially attested signatures or signatures witnessed by a Community
6 Court Judge of each person in Subsection (2) (c) of this Section.

7
8 (3) Section 426 subsection (1)(a) of the principal Act is hereby amended to read as
9 follows:

10 **§426. Notice of registration application.**

11 (1) Within fourteen (14) days after receiving a properly completed application for
12 registration of any ownership interest in land or any interest whatsoever in land
13 that does not have a certificate of registration previously issued in respect of that
14 land in its entirety, the Registrar shall issue notice of and afford an opportunity to
15 object to the proposed registration within the following period after the posting,
16 recording, and mailing of the application for registration:

17 (a) ninety (90) days in the case of the original ownership registration with
18 respect to particular land located on Majuro, Ebeye, Arno, Jaluit or Wotje
19 and one hundred and eighty (180) days with respect to land located
20 elsewhere;

1 (4) Section 426 subsection (2)(c) is hereby amended to read as follows:

2 **§426. Notice of registration application.**

3 (2) A public notice shall be given in the following manner:

4 (c) Publication by –

5 (i) publishing the registration application in the Government Gazette or a
6 newspaper of general circulation not less than twice a month and at least
7 two weeks apart from each other during the objection period specified in
8 Subsection (1) of this Section;

9 (ii) at the beginning of the objection period specified in Subsection (1) of this
10 Section, ensuring signs that:

11 (a) identify the affected land are placed on the land, including the
12 name of the weto, island and atoll, along with a survey map of the
13 land approved by the Chief, Division of Lands and Survey;

14 (b) the name and address of each person claiming to have ownership
15 interest in the land;

16 (c) how to object to the registration application;

17 (d) how long objectors have to object to the registration application.
18

19 (5) Section 427 subsection (2)(d) of the principal Act is hereby amended to read as follows:

20 **§427. Objections to registration.**

21 (2) Objections shall be filed with the Registrar within the objection period set forth in

1 Subsection (1) of Section 426 and shall contain the following information:

- 2 (a) name and address of each objector;
- 3 (b) statement of objection and reasons therefore;
- 4 (c) copies of any documents supporting the objection; and
- 5 (d) notarially attested signatures or signatures attested by a Community Court
- 6 Judge of each objector, certifying that all statements made in the objection
- 7 are true.
- 8

9 (6) Section 427 subsection (3) of the principal Act is hereby amended to read as follows:

10 **§427. Objections to registration.**

11 (3) The Registrar shall send any objection which meets the requirements of this

12 Section to the applicant no later than fourteen (14) days after the closing of the

13 notice period. The applicant shall have thirty (30) days after receiving the

14 objection to inform the Registrar whether the applicant wishes to:

- 15 (a) suspend the registration pending resolution of the objection, in which case
- 16 the registration process shall be suspended and shall resume upon
- 17 resolution of the objection; or
- 18 (b) withdraw the registration, in which case it shall be deemed immediately
- 19 withdrawn.
- 20

21 (7) Section 427 subsections (4), (5), (6), (7), (8) and (9) of the principal Act are hereby

1 deleted in their entirety and replaced with new subsections (4), (5), (6), (7) and (8) to read
2 as follows:

3 **§427. Objections to registration.**

4 (4) The Registrar shall inform the objector of the applicant's decision within fourteen
5 (14) days after receiving the applicant's decision. If the applicant decides to
6 suspend the registration pending resolution, the objection is resolved by:

- 7 (a) written withdrawal of the objection by the objector;
8 (b) written agreement of the applicant and the objector;
9 (c) final and unappeasable judgment of a court of competent jurisdiction; or
10 (d) other alternative dispute resolution as provided by law.

11 (5) Any party may apply to the High Court for a determination of the dispute at any
12 time after the closing of the notice period.

13 (6) At any time during the process, the parties are encouraged to resolve their
14 differences amicably in accordance with Marshallese custom and tradition.

15 (7) The Registrar shall retain a record of all objections timely filed and their
16 resolution.

17 (8) An application to register ownership which remains suspended for a period of
18 three (3) years from the date of filing with the Registrar, shall be deemed
19 withdrawn.
20

21 Section 3. **Repeal and Savings.**

1 The Real Property Trust Instruments Act 1987, is repealed with effect from the date of
2 the coming into force of this Act, PROVIDED that any Deed of Trust made under that Act
3 before the date of the repeal of the Act shall have the same effect as it would if the Real Property
4 Trust Act had not been repealed and shall be capable of being recorded and registered under the
5 Land Recording and Registration Act 2003 in the same manner as a mortgage.

6
7 **Section 4. Effective Date**

8 This Act shall take effect on the date of certification in accordance with the Constitution
9 and the Rules of Procedures of the Nitijela.

10
11 **CERTIFICATE**

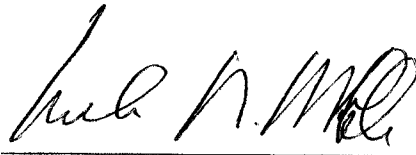
12 **I hereby certify:**

- 13
14 (1) That Nitijela Bill No: 52ND2 was passed by the Nitijela of the Republic of the Marshall
15 Islands on the 26th day of November, 2006; and
16 (2) That I am satisfied that Nitijela Bill No.: 52ND2 was passed in accordance with the
17 relevant provisions of the Constitution of the Republic of the Marshall Islands and the
18 Rules of Procedures of the Nitijela.

19
20 I hereby place my signature before the Clerk this 5th day of December, 2006.
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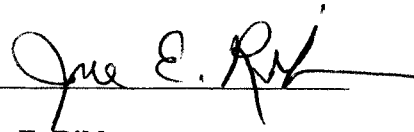
Attest:



Ruben R. Zackhras

Vice-Speaker

Nitijela of the Marshall Islands



Joe E. Riklon

Clerk

Nitijela of the Marshall Islands