

OTTO and PIU, Plaintiffs

v.

KONANG, Defendant

Civil Action No. 429

Trial Division of the High Court

Truk District

May 19, 1970

Action to determine ownership of land on Moen Island, Truk District. The Trial Division of the High Court, H. W. Burnett, Associate Justice, held that land in question had been the subject of a determination of ownership and as no appeal had been taken from that determination that finding would control.

1. Trust Territory—Land Law—Determination of Ownership

A determination of ownership, from which no appeal is taken, has a standing similar to a judgment between the parties.

2. Trust Territory—Land Law—Determination of Ownership

When a determination of ownership becomes final it is as conclusive as if it were embodied in a judgment of the court, and cannot be reopened and the issues relitigated.

BURNETT, *Associate Justice*

This action concerns a portion of the land Unufoumo, Mechitiu Village, Moen Island, Truk District. Late in the presentation of the defendant's case, it became clear that the land had been the subject of a Determination of Ownership, entered by the District Land Title Officer. The Determination itself was not produced in evidence, but a map, introduced by defendant, identified it as No. 53-1, filed with the Clerk of Courts in Volume T-1, page 9.

Determination of Ownership No. 53-1, entered on October 5, 1954, declared Unufoumo No. 2, the land here in dispute, to be the property of "that lineage of the Fanimei Clan of Mechitiu now headed by Sitane and in the charge of Kolang of that lineage."

Land Management Regulation No. 1, under which Determinations of Ownership were made, made full provision for both public and private notice to all those claiming an interest in the land, and a public hearing at which all claiming an interest would be given an opportunity to be heard. Appeal to the High Court was authorized at any time within one year from the date the determination was filed with the Clerk of Courts.

[1, 2] A Determination of Ownership, from which no appeal is taken, has a standing similar to a judgment between the parties. *In Re De Castro, Deceased*, 3 T.T.R. 446. When the Determination becomes final it is as conclusive as if it were embodied in a judgment of this court, and cannot be reopened and the issues relitigated.

Determination of Ownership No. 53-1 was never appealed and is therefore conclusive of the rights of these parties. From the evidence it is clear that Konang, who had charge of the land on behalf of the lineage at the time of the determination, is now the head of the lineage.

It is therefore, ordered, adjudged, and decreed:—

1. The land Unufoumo No. 2, Mechitiu Village, Moen Island, Truk District, as designated on Map T M-1 Serial No. 8 attached to Determination of Ownership and Release No. 53-1, is the property of that lineage of the Fanimei Clan of Mechitiu now headed by Konang (sometimes spelled Kolang).
2. No costs are assessed against either party.