

PEDRO DELEON CASTRO, Plaintiff-Appellant

v.

**TRUST TERRITORY OF THE PACIFIC ISLANDS, and
EDWARD E. JOHNSTON, individually and in his
capacity as High Commissioner of the Trust
Territory of the Pacific Islands,
Defendants-Appellees**

Civil Appeal No. 253

Appellate Division of the High Court

Northern Marianas District

January 20, 1981

Action by citizen concerning land exchange agreement, entered into with the Trust Territory Government. The Appellate Division of the High Court, per curiam, held that statute of limitations barred the action, where the cause of action arose eighteen years earlier.

Limitation of Actions—Recovery of Land—Particular Cases

Statute of limitations barred the bringing of an action against the Trust Territory Government, concerning a land exchange agreement, where the cause of action arose eighteen years earlier.

Counsel for Appellant:

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Counsel for Appellees:

JOHN S. TARKONG, ESQ., *Assistant
Attorney General, Office of the
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Before BURNETT, *Chief Justice*, and NAKAMURA,
Associate Justice

PER CURIAM

Appellant and appellees entered into a land exchange agreement in June 1954. In 1956, appellant signed, under protest, a quitclaim deed deeding his land to appellees in exchange for land given to appellant. One of appellant's

contentions is that he could not read or write English, however, his signature on the quitclaim deed was made under protest and appellant continued to protest until August 1974, when the action was brought against appellees. Appellant contends because of the trust agreement established in the Trust Territory, appellees maintained a strict fiduciary relationship with appellant and was "violative of appellees' obligation under the trusteeship," and, "such acts and conduct of appellees constituted a violation of the sacred fiduciary obligation towards the appellant."

Appellant argues the six year statute of limitations cannot bar appellant's action.

A similar question arose in High Court Civil Appeal No. 217, *Maria P. Royse v. Trust Territory*, and with almost identical fact situation, we held in part:

The period of a statute of limitations is usually applied to the passage of time, plus other elements for a bar of laches. There are two Trust Territory statutes available. A suit against a trustee for his alleged wrongful exchange of the land would have been barred in two years by 6 TTC § 304, or for a suit for the rescission of the exchange sought by these plaintiffs, action is barred after six years by 6 TTC § 305 . . . *Crisostimo, et al. v. Trust Territory, et al.*, 7 T.T.R. 34, 38 (Tr. Div. 1974; Affirmed, App. Div. 1976).

Appellant contends this case goes further than the *Royse* case because appellant could not read or write English and appellees acted in a manner which violated appellant's rights under the trustee agreement. However, appellant protested the signing of the quitclaim deed on May 17, 1956, and continued to protest thereafter. Obviously appellant felt his rights were violated in 1956. His right of action arose then, and a delay of some eighteen years should and would bar appellant's action.

As stated in the *Royse* case, the appellant cannot have unlimited time to file this action.

The judgment of the Trial Court is AFFIRMED.