

TITLE 2: NATURAL RESOURCES
DIVISION 4: LAND RESOURCES

§ 4246. Conduct of Hearings.

In conducting hearings, the Senior Land Commissioner and each land registration team shall be guided by its procedural regulations, if any, or in the absence thereof, the Commonwealth Trial Court Rules of Civil Procedure. The Senior Land Commissioner and each registration team may consider any evidence that will be helpful in reaching a just decision. Neither the Senior Land Commissioner nor a land registration team, however, shall endeavor to redetermine any matter already decided between the same parties or those under whom the present parties claim by a court judgment or by a land title officer's determination of ownership. The Senior Land Commissioner and land registration teams shall accept prior determinations as binding on the parties without further evidence than the judgment or determination of ownership. All hearings shall be public and every person claiming an interest in land under consideration shall be given an opportunity, by notice pursuant to 2 CMC § 4244, to be heard. Hearings shall be held in the senatorial district in which the land involved lies. All parties, including any representative (appointed under 2 CMC § 4247 or by a court or other proper authority) of a minor or incompetent, may be represented and assisted by counsel.

Source: PL 3-79, § 15.

Commission Comment: With respect to the references to the "Senior Land Commissioner," see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to 1 CMC § 2001; see also the comment to 2 CMC § 4212.

Section 4 of PL 6-25, the "Commonwealth Judicial Reorganization Act of 1989," provides that "[w]herever the term 'Commonwealth Trial Court' appears in the Commonwealth Code, it is henceforth to be interpreted and understood to refer to the Commonwealth Superior Court."