

TITLE 2: NATURAL RESOURCES
DIVISION 4: LAND RESOURCES

§ 4982. Severability of Contractual Provisions Violating N.M.I. Const. art. XII.

(a) If a court determines that any provision of an agreement would, if enforced, result in acquisition of a permanent or long-term interest in real property by a person not of Northern Marianas descent, the court shall enforce any or all of the remaining provisions of the agreement if it can be enforced without unjust enrichment or prejudice to either party to the agreement, regardless of whether the party seeking enforcement of the agreement engaged in serious misconduct or acted in good faith within the meaning of section 183 or section 184 of the Restatement (Second) of Contracts.

(b) If the parties to the agreement have provided in the agreement that its provisions are to be considered severable in the event any provision is determined to be void, it shall be conclusively presumed for purposes of this article that any provision which is not so void can be enforced without unjustly enriching or prejudicing either party, and any such provision shall be enforced.

(c) The provisions of this section shall apply to all real property transactions heretofore or hereafter made, and shall govern in all proceedings in which a final judgment, not subject to further appeal, has not been entered prior to October 29, 1993.

Source: PL 8-32, § 8 (§ 4952).