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FOR PUBLICATION

**IN THE SUPERIOR COURT
OF THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

**ESTATE OF JOSE CELIS CAMACHO,
DEC., by and through FRANCISCO C.
CAMACHO, Administrator**

Plaintiff,

v.

**SIMION O. CAMACHO, OF SAIPAN
HOLDING, INC., ANNIE DELEON
GUERRERO LITTLE, and
COMMONWEALTH OF THE NORTHERN
MARIANA ISLANDS**

Defendants.

CIVIL ACTION NO. 05-0545b

**ORDER DENYING PLAINTIFFS
CLAIMS**

This matter came on for a bench trial on April 14, 2008. Counsel for plaintiffs, Brian Sers Nicholas was present and heard. Counsel for defendant Annie DGL Gillespie, Stephen Nutting, was also present and heard. Upon careful consideration of the written submissions, and evidence and arguments submitted at trial the Court is ready to make a ruling. The Court denies the plaintiff's claims for the extra 1.4 hectares of land, and finds for the defendant, Annie DGL Gillespie.

BACKGROUND

This case is concerning a plot of land known as TD 702. In 1953, the Trust Territory of the Pacific Islands gave Jose Camacho (decedent) a determination of ownership for a plot of land described as TD 702.¹ Jose Camacho held title to this land until 1973 when he deeded his interest in the TD 702 property to his son Simion Camacho. The Deed to Simion described the property in exactly the same manner as the determination of ownership document. In both the original determination of ownership as well as the deed of gift to Simion the land was described as being 2.7 hectares, more or less subject to survey". However, this estimation of the size of the property was

¹ Described in Defendant's Exhibit B as the "Southwesterly portion of lot #557, the Southeasterly portion of lot #560 and the Southeasterly portion of lot #567".

1 incorrect. A survey was done of the land in 1972 and approved in 1974 that determined the size of
2 the land was, in fact, 4.1 hectares. In the survey the land was designated as Lot No. 008 B 08.
3 Therefore the property that originally belonged to Jose Camacho was 14,561 square meters larger
4 than originally estimated in T.D. 702. In 1980, Simion conveyed Lot No.008 B 08 (containing 4.1
5 hectares) to his children in a deed of gift. In 1982, the CNMI canceled the original Certificate of
6 Title in the name of Jose Camacho, and issued a new one in the names of Simion's children for Lot
7 No. 008 B 08. In 1987, Simion's children transferred all their interest in the property to Annie DGL
8 Gillespie. Now plaintiffs are seeking to quiet title on the additional 1.4 hectares that was
9 unaccounted for in the original description of TD 702. Plaintiffs, the heirs, contest that the additional
10 1.4 hectares should go the estate. Defendant believes her claim to the land is stronger and that the
11 1.4 hectares belongs to her.

12 LEGAL STANDARD

13 The main point of contention in this case is the ownership of the additional 1.4 hectares.
14 Thus this case at its heart is a quiet title action to determine who in fact has a stronger claim to the
15 additional hectares.² When the parties allege title from a common source, as here Annie and the
16 heirs allege title from Jose, then the Court may render judgment as to whose claim is superior.³ To
17 prove one's title is superior each party must "prove his or her own claim to the property in
18 question".⁴

19 ARGUMENTS

20 The plaintiffs, heirs of the estate, assert that when Jose Camacho deeded Simion T.D. 702
21 the total sum of land that was granted to Simion was the 2.7 hectares described in the determination
22 of ownership document. Plaintiffs assert this position based on the fact that Jose deeded the property
23 to Simion after he became aware of the size discrepancy between the determination of ownership
24

25 ²A quiet title action is one in which a plaintiff seeks a declaration from the court that an allegedly adverse
26 interest in the property is invalid. *Estate of Faisao v. Tenorio*, 4 N.M.I. 260, 264 (1995).

27 ³ *Estate of Faisao v. Tenorio*, 4 N.M.I. 260, 264 (1995).

28 ⁴*Id* at 265.

1 document and the survey. Plaintiffs contend that because Jose was aware that the size of the land
2 was actually 4.1 hectares at the time he gave it to Simion, in using the T.D. 702 description to
3 convey land to Simion he was specifically giving him only 2.7 hectares described. The plaintiffs
4 assert that had Jose wanted to grant Simion all 4.1 hectares of the property then he would have used
5 different language evincing an intent to convey all 4.1 hectares of the land. Because he did not,
6 plaintiffs argue the 1.4 excess hectares belong to the heirs of the estate rather than Annie DGL
7 Gillespie. Plaintiff initiated this quiet title action to determine whether Annie Gillespie is the true
8 owner of the additional 1.4 hectares of property.

9 Defendant Annie Gillespie asserts the property belongs to her as she was the rightful
10 purchaser of it over twenty years ago. In 1982, the CNMI issued a Certificate of Title to Simion's
11 children for Lot 008 B 08 which contained 4.1 hectares. In 1987, Simion's children transferred their
12 interest in the property to Annie for value. The property has never been subdivided or parceled and
13 there is no evidence that indicates that Jose or Simion reserved any portion of T.D.702/Lot 008 B
14 08 to themselves or anyone else. Defendant asserts that because there is no evidence of any intent
15 to reserve the 1.4 hectares of property then it is rightfully Annie's as she purchased and received
16 Simion's children's interest which (according to the Certificate of Title) amounted to 4.1 hectares.
17 Additionally, defendant questions what portion of the property should now be taken back from her
18 because there is no indication any property was reserved.

19 LEGAL CONCLUSIONS

20 The Court has reviewed both the written and oral arguments as well as the submitted
21 evidentiary maps closely to determine who holds title to the property. The Court finds that the
22 plaintiff's claim must be denied for lack of sufficient evidence to prove superiority of title. The
23 Court finds that T.D. 702 and Lot No. 008 B 08 are of the same property. The Court cumulatively
24 reviewed the maps presented at trial and must conclude that T.D. 702 and Lot No. 008 B 08 are the
25 same piece of property.

26 The issue, as the Court sees it, is whether the grantor had any intention of granting solely 2.7
27 hectares when he deeded the property to Simion. The Court must look at the intent of the grantor
28

1 in the original conveyance as well as the maps that describe the metes and bounds of the property.
2 Having reviewed the deed given to Simion the Court can find no evidence in the language of the
3 deed of any reservation of additional property to Jose.⁵ It may be possible to interpret the more or
4 less language in the T.D. 702 description to either include or exclude the additional 1.4 hectares.
5 However, there is a complete absence of evidence to support the plaintiff's position that Jose did not,
6 in fact, intend to convey the whole parcel of property to his son Simion. Plaintiffs present no
7 evidence that supports their claim of title. In a quiet title action the Court must have evidence of
8 their superior title in order to rule in their favor. Plaintiffs presented no such evidence and so the
9 Court must find for the Defendant.

10 The Court can believe that Jose knew the size of the property when he deeded it to Simion
11 as evidenced by his signature on the survey map in 1972. Although the map wasn't finalized and
12 approved until 1974, nevertheless Jose wasn't unaware that his property could be larger than 2.7
13 hectares. At the time the property was deeded to Simion the correct description of the metes and
14 bounds of the property was the language contained in the T.D. 702. He could have used a different
15 description that included the additional possible 1.4 hectares. He did not. The Court is not convinced
16 that this was because he wanted to retain title to the 1.4 hectares for himself or his heirs.

17 The Court must try and define the decedent's intention from the language of the deed and
18 the maps presented at trial. From the language used in the deed that Jose gave to Simion the Court
19 believes Jose's intent was to convey all the property he believed was his. He did not use any
20 language of reservation to keep the property to himself. Jose held the original title to TD 702. Any
21 property that devolved to Jose after that had to have been comprised of the property in T.D. 702. TD
22 702 is the same property as Lot No. 008 B 08 as shown by the descriptions of boundaries in the two
23 documents.

24 In this case the plaintiffs needed to prove that there was something left at the time he deeded
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26 ⁵ The Court can only refer to the four corners of the deed to ascertain the parties intent. *See Ecosystem*
27 *Resources, L.C. v. Broadbent Land & Resources, L.L.C*, 158 P.3d 685, 688 (Wyo., 2007). Had the Court been presented
28 with any evidence of the grantor's intent to reserve any portion of the property it might have been able to decide differently. However due to the absence of any evidence of reservation the Court must find for the Defendant.

