





By the order of the court, Judge David A. Wiseman



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3 **IN THE SUPERIOR COURT**  
4 **OF THE**  
5 **COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

6 **IN RE ESTATE OF** ) **CIVIL CASE NO. 05-0498-CV**  
7 **CHANG SOO LEE,** ) **ORDER GRANTING MOTION TO**  
8 **Deceased.** ) **REOPEN CASE**  
9 )

10 **I. INTRODUCTION**

11 THIS MATTER came before the Court on August 18, 2015, at 9:00 a.m. in Courtroom 205A. Former  
12 Administrator, Hwa Jan Park, was represented by Attorney David Banes. Based on review of the filings, oral  
13 argument, and applicable law, the Court **GRANTS** Park’s motion under this Court’s general power to  
14 correct its rulings.

15 **II. BACKGROUND**

16 Eight years after the Court's final distribution order, Park filed a Motion to Reopen Case Pursuant  
17 to Com. R. Civ. P. Rule 60(b). Park filed her motion to reopen the probate in the Estate of Chang Soo Lee  
18 to include and to distribute recently discovered leasehold interests in two real estate properties. Park alleged  
19 that the interests should have been part of the Estate. The leases for both properties are alleged to expire in  
20 February of 2024. Park is the surviving spouse and former administrator of the Estate, being discharged from  
21 her duties on May 30, 2007 by court order—an order that Park now seeks to vacate.<sup>1</sup>

22 **III. DISCUSSION**

23 The Court grants Park’s motion and vacates its final distribution order—but not under Rule 60(b)  
24 of the Commonwealth Rules of Civil Procedure. Relief under Rule 60(b) is not available for probate matters.  
25 See 8 CMC § 2203 (“ . . . the Rules of Probate Procedure . . . shall govern notice and pleadings and all

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<sup>1</sup> The matter was originally heard by the Honorable Juan T. Lizama, former Associate Judge of the Commonwealth Superior Court.

1 proceedings under this law."); *contra In re Estate of Camacho*, 4 NMI 22, 24 (1993) (indicating that a party  
2 filed an "Ex Parte Motion to Reopen the Estate"—but not ruling on whether such filing was proper). In other  
3 words, no law under our probate code or the Rules of Probate Procedure allows a court to reopen a once-  
4 closed probate.<sup>2</sup>

5 Because of such, the appropriate legal device to reopen a probate case must come from the court's  
6 general powers. Generally, a court may depart from a previous ruling if it was (1) clearly erroneous and (2)  
7 would work a manifest injustice. *In re Estate of Roberto*, 2010 MP 7 ¶ 18 (evaluating the exception to the  
8 law of the case doctrine in the appeal of a probate matter). The Court, having heard no objection to Park's  
9 motion, grants her requested relief under said general powers of the court.<sup>3</sup>

#### 10 CONCLUSION

11 For the foregoing reasons, Park's motion to reopen the case is **GRANTED**. The Decree of Final  
12 Distribution, issued on May 30, 2007, is **VACATED**. Park is **ORDERED** to attend a status conference to  
13 be held on August 25, 2015 at 1:30 p.m. in Courtroom 223A to set a deadline for submission of an amended  
14 inventory, an amended decree of final distribution, and other filings as necessary.

15  
16 **SO ORDERED** this 20<sup>th</sup> day of August, 2015.

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19 / s /  
David A. Wiseman, Associate Judge

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21 <sup>2</sup> Other states (and Guam) have statutes or rules that permit the reopening of a probate. *E.g.*, Alaska Stat. 13 § 655; Ariz.  
22 Rev. Stat. § 14-3938; Ark. Code § 28-53-119; Cal. Prob. Code § 11642; Ct. R. Prob. P. 30.24; D.C. Code § 20-1301 (allowing  
administrator to complete probate even after closing of estate); Fla. Prob. R. 5.460; Ga. Code. § 53-7-50; Haw. Prob R. 86; Ind.  
Code § IC 29-1-17-2(d); 15 GCA § 3039 (Guam); *but see, e.g.*, Ala. R. Civ. P. 1 (applying the rules of civil procedure).

23 <sup>3</sup> The Court notes that the eight-year gap between the instant motion and the final distribution order is not a factor against  
24 reopening the probate. Lack of a statutory provision allowing the reopening of probate does not mean that the legislature excluded  
25 that possibility. Our probate code is largely modeled after the Uniform Probate Code. *In re Estate of Reyes*, 2012 MP 13 ¶ 17.  
Where there is no express legislative intent to the contrary (and here, there is none), a court may look to the UPC rationale for  
guidance. *Id.* Under the UPC, a petitioner may reopen the probate *at any time* after discharge of the administrator or one year after  
filing of a closing statement. UPC § 3-1008.