



By Order of the Court, Judge Joseph N. Camacho

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

FOR PUBLICATION



E-FILED
CNMI SUPERIOR COURT
E-filed: Apr 26 2018 01:19PM
Clerk Review: N/A
Filing ID: 61959948
Case Number: 89-1033
N/A

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

ESTATES OF)	CIVIL ACTION NO. 89-1033
)	CIVIL ACTION NO. 09-0198
JUAN S. TEIGITA and)	
MARIANA KANI-TEIGITA,)	ORDER FINDING THAT THE SADOG
Deceased.)	DOGAS PROPERTY REMAINS WITH
)	THE ESTATE OF MARIANA KANI-
)	TEIGITA AS THE ESTATE ASSETS
)	HAVE NOT YET BEEN DISTRIBUTED
ESTATE OF:)	
)	
JOSE R. KANI,)	
Deceased.)	
)	
)	

This matter came before the Court on October 19, 2017 for an evidentiary hearing to determine the ownership of Lot No. 663 (T.D. 764). Eloy Teigita Dela Cruz, Administrator for the Estate of Juan S. Teigita and Mariana Kani-Teigita (“Teigita Estate”) appeared with counsel, Attorney Rosemond B. Santos. Joseph Ruak, Administrator for the Estate of Jose R. Kani (“Kani Estate”) as Claimant, appeared with counsel, Attorney Brien Sers Nicholas. During the evidentiary hearing, the Court heard testimony from Joseph Ruak, who testified for the Kani Estate, and Eloy Teigita Dela Cruz, who testified for the Teigita Estate.

This order concerns the ownership of Lot. No. 663 (T.D. 764), located in Sadog Dogas, Saipan (“Sadog Dogas Property”), Commonwealth of the Northern Mariana Islands. On September 11, 2009, Joseph Ruak, Administrator for the Kani Estate, filed an ex parte motion in Civ. No 09-0198 asking that he be allowed to make an appearance in another probate action to “protect and secure the claim of [Decedent Jose R. Kani] to certain real properties . . . collectively referred to as T.D. 764 (formerly Lot 663).” *Ex Parte* Motion for Instructions Re: Protection of an Estate’s Claim

1 (hereinafter “2009 Ex Parte Motion”). The other probate action referred to by Mr. Ruak was *In re*
2 *Estate of Juan S. Teigita and Mariana Kani-Teigita*, Civ. No. 89-1033. Due to procedural delays
3 and changes in counsel, the 2009 Ex Parte Motion did not come before the Court until 2017. On
4 September 5, 2017, *In re Estate of Jose R. Kani*, Civ. No. 09-0198, was consolidated with *In re*
5 *Estate of Juan S. Teigita and Mariana Kani-Teigita*, Civ. No. 89-1033, for the purpose of
6 determining the ownership of the Sadog Dogas Property.

7 Mr. Ruak, administrator for Claimant, the Kani Estate, argues that the Kani Estate is the
8 proper owner of the Sadog Dogas Property. Mr. Dela Cruz, administrator for the Teigita Estate,
9 argues that any conveyances of Sadog Dogas Property were improper and that the property belongs
10 to the Teigita Estate.

11 Based on a review of the filings, oral arguments, testimony, and applicable law, the Court
12 makes the following order.

13 **III. FINDINGS OF FACT**

14 1. Vicente Kani was the father of Jose Kani, Maria Kani, and Mariana Kani-Teigita (born
15 Mariana Kani).

16 2. Vicente Kani, Jose Kani, and Maria Kani all passed away prior to November 5, 1953.

17 3. Maria Kani passed away without issue.

18 4. Mariana Kani-Teigita passed away in 1969.

19 5. Mariana Kani-Teigita did not have a will and her estate was never probated to final
20 distribution.

21 6. Mariana Kani-Teigita had two children, Ignacia Kani Teigita Cangco and Joaquin Kani
22 Teigita.

23 ///

24 ///

1 7. Joaquin Kani Teigita had several children: Effren Tomol Teigita, Francisca Teigita
2 Angui, Rosalia Tomol Teigita, Merced Tomol Teigita, Jesus Tomol Teigita, and Patriciana Tomol
3 Teigita.

4 8. On November 5, 1953, the Trust Territory of the Pacific Islands determined that Lot No.
5 663 in North district Saipan, Mariana Islands, was the property of Mariana Kani. Title Officer of
6 the Saipan District for the Trust Territory of the Pacific Islands, John A. Wood, signed the
7 Determination of Ownership on November 5, 1953, which was filed with the Clerk of Court for the
8 Saipan District on November 9, 1953. Exh. A.

9 9. Lot No. 663 and T.D. 764 both refer to the Sadog Dogas Property. Lots No. 016 B 10,
10 No. 016 B 11, No. 016 B 12 are portions of the same property also known as Lot No. 663 and T.D.
11 764.

12 10. On September 15, 1989, a certificate of title was issued pursuant to the 1953
13 Determination of Ownership for T.D. 764 (Lot. 663). This certificate of title stated that Lot No. 016
14 B 10 (Part of T.D. 764) in Sadog Dogas, Saipan, is owned in fee simple by Mariana Kani. Ex. B.

15 11. On September 15, 1989, a certificate of title was issued pursuant to the 1953
16 Determination of Ownership for T.D. 764 (Lot No. 663). This certificate of title stated that Lot No.
17 016 B 11 (Part of T.D. 764) in Sadog Dogas, Saipan, is owned in fee simple by Mariana Kani. Ex.
18 C.

19 12. On September 15, 1989, a certificate of title was issued pursuant to the 1953
20 Determination of Ownership for T.D. 764 (Lot. No. 663). This certificate of title stated that Lot No.
21 016 B 12 (Part of T.D. 764) in Sadog Dogas, Saipan, is owned in fee simple by Mariana Kani. Ex.
22 D.

23 13. All three certificates of title, for Lots No. 016 B 10, No. 016 B 11, No. 016 B 12, note
24 that "Due to the fact that this Certificate of Title is issued pursuant to a 11/5/53 Determination of

1 Ownership, it does not take into account any transactions of events that may have occurred
2 subsequent thereto.” Ex. B, Ex. C, Ex. D.

3 14. On February 2, 1987, a Deed of Gift was made by Ignacia Kani Teigita Cangco, Effren
4 Tomol Teigita, Francisca Teigita Angui, Rosalia Tomol Teigita, Merced Tomol Teigita, and Jesus
5 Tomol Teigita regarding the Sadog Dogas Property. Exh. F.

6 15. The grantors in the February 2, 1987 Deed of Gift were all described as “the legal heirs
7 of MARIANA KANI (Deceased).” Exh. F. Ignacia Kani Teigita Cangco is Mariana Kani-Teigita’s
8 daughter, while the remaining grantees are children of Mariana’s son, Joaquin.

9 16. The grantee of the February 2, 1987 Deed of Gift was Pedro I. Kani. Ex. F.

10 17. The February 2, 1987 Deed of Gift involved the Sadog Dogas Property, listed as “lot.
11 No. 663 shown on Land and Claim Map No. 4.” Exh. F. The grantors, “in consideration [of] love an
12 affection they have unto party of second part (Grantee) . . . remise, release, and forever quitclaim
13 deed under to the party of the second part and to his heirs an assigns” their claim to Lot. No. 663.
14 Exh. F.

15 18. The February 2, 1987 Deed of Gift was signed by Ignacia Kani Teigita Cangco, Effren
16 Tomol Teigita, Francisca Teigita Angui, Rosalia Tomol Teigita, Merced Tomol Teigita, and Jesus
17 Tomol Teigita as Grantors. Felix Tomol Teigita also signed as a Grantor. Pedro I. Kani signed as a
18 Grantee. Exh. F.

19 19. On April 19, 1987, a second Deed of Gift was signed by Patriciana Tomol Teigita as
20 “the legal heir of MARIANA KANI (Deceased).” The April 19, 1987 Deed of Gift also transferred
21 Patriciana’s interest in the Sadog Dogas Property, “Lot No. 663 shown on the Land and Claim Map
22 No. 4,” to Pedro I. Kani. Exh. G.

23 20. Subsequent to the February 2, 1987 Deed of Gift, and the April 19, 1987 Deed of Gift, a
24 number of mortgages and land transactions occurred involving the Sadog Dogas Property, which

1 were not signed by the heirs of Mariana Kani-Teigita. Ex. 3, Ex. 5, Ex. 5., Ex. 6., Ex. 7., Ex. 8.
2 These mortgage and land transactions were signed by either Pedro I. Kani, the original Grantee of
3 the February 2, 1987 Deed of Gift and the April 19, 1987 Deed of Gift, or his descendants.

4 21. Although counsel for the Kani Estate alleged that Vicente Kani owned both the Sadog
5 Dogas Property, as well as a property in As Mahetog, no evidence was presented at the October 19,
6 2017 Evidentiary Hearing to support this contention.

7 22. Although counsel for the Kani Estate likewise alleged that Vicente Kani intended for the
8 Sadog Dogas and the property in As Mahetog to be split between two of his children, Mariana and
9 Jose, no evidence was presented at the October 19, 2017 Evidentiary Hearing to support this
10 contention.

11 23. Members of the Kani Family live on the Sadog Dogas Property, described earlier as Lot
12 No. 663 (T.D. 764). Members of the Teigita Family live on the property in As Mahetog. Although
13 counsel for the Kani Estate argued that this was evidence that Vicente Kani intended to have the
14 Sadog Dogas Property and the As Mahetog Property divided amongst his children, Mariana and
15 Jose, and that both families knew about this intention, no credible evidence was presented at the
16 October 19, 2017 Evidentiary Hearing to support this contention.

17 24. Although a prior attorney for the Teigita Estate argued that there were additional *mwei*
18 *mwei* children who are heirs of Mariana Kani-Teigita who were not included in the Deeds of Gift
19 regarding the Sadog Dogas property, there was no evidence presented at the October 19, 2017
20 Evidentiary Hearing that there were any *mwei mwei* heirs. Second Amended Letters & Inventory at
21 2-3.

22 ///

23 ///

24 ///

1 25. Although a prior attorney for the Teigita Estate made reference to Carolinian custom, no
2 testimony was presented at the October 19, 2017 Evidentiary Hearing that the decedents in either of
3 the estates self-identified as Carolinian.¹

4 **IV. CONCLUSIONS OF LAW**

5 “Any property of the estate of a decedent not effectively dispose by the decedent’s will
6 passes to heirs as prescribed” in the Probate Code. 8 CMC § 2901. The Probate Court must
7 determine both the heirs of the decedent, as well as the “character and estimated value of the
8 property of the estate.” NMI. R. Prob. 5(3), 5(4). “No sale or other disposition of estate property
9 will be done without Court order.” NMI R. Prob. 10. “[A] probate court identifies heirs and
10 distributes what interest the decedent had in the property, but does not determine ownership in cases
11 where title is contested.” *Del Rosario v. Camacho*, 2001 MP 3 ¶ 51.

12 On November 5, 1953, Mariana Kani-Teigita was determined to be the owner of the Sadog
13 Dogas property in fee simple absolute. In 1969, Mariana Kani-Teigita passed away without a will.
14 Mariana Kani-Teigita’s estate was never probated to final distribution. Several alleged heirs of
15 Mariana Kani-Teigita purportedly assigned their interests to the property to Pedro I. Kani through
16 the February 2, 1987 and April 19, 1987 Deeds of Gift. Despite this, the Sadog Dogas property is
17 still part of Mariana Kani-Teigita’s estate—although her alleged heirs have purported transferred
18 their interests in the property, these alleged heirs had not yet inherited the property and thus had no
19 authority to transfer the property.

20 Since Mariana Kani-Teigita’s estate has not reached final distribution, the Sadog Dogas
21 property remains a part of her estate. Without more information or evidence, the Court cannot
22 determine the effect of the February 2, 1987 and April 19, 1987 Deeds of Gift on the Sadog Dogas
23

24 _____
¹ In earlier filings, references were made to Carolinian custom. See Second Amended Letters & Inventory at 2-3.

1 property. Whether some or all of Mariana Kani-Teigita's heirs inherit the property, or whether their
2 interests in the property have already been transferred and relinquished, cannot yet be determined
3 by the Court without additional information or evidence.

4 **V. CONCLUSION**

5 The Sadog Dogas property remains a part of the Estate of Juan S. Teigita² and Mariana
6 Kani-Teigita.

7

8 **IT IS SO ORDERED** this 26th day of April, 2018.

9

10 /s/
11 **JOSEPH N. CAMACHO**
Associate Judge

12

13

14

15

16

17

18

19

20

21

22

23 _____

24 ² The Estate of Mariana Kani-Teigita was filed together with that of her husband, Juan S. Teigita. Despite this, the Sadog Dogas Property is an asset of the Estate of Mariana Kani-Teigita.