

IN RE ESTATE OF LEMMAN

“The core of the offense of reckless driving lies not in the act of operating a motor vehicle, but in the manner and circumstances of its operation.”

[3] Here the undisputed facts that the bus driver blindly backed out to the highway and there hit a vehicle, was in the opinion of the District Court, reckless driving in “the manner and circumstances of the operation” of the bus.

[4] There being evidence sufficient in the opinion of the trial court to justify the conviction, this court, on appeal, will not upset that verdict in accordance with the rule of appeal determinations found in the following cases: *Adelbai v. Ngirchoteot*, 3 T.T.R. 619, and cases cited therein.

JUDGMENT

The judgment appealed from is supported by the law and the evidence, and the judgment is affirmed.

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In the Matter of the Estate of LEMMAN, Deceased

Probate Case No. 6

Trial Division of the High Court

Marshall Islands District

May 15, 1968

Petition to probate will. The Trial Division of the High Court, R. K. Shoecraft, Chief Justice, held that as will was not properly executed it could not be admitted to probate, and that under the custom the widow was entitled to the assets of her husband's estate and had sole discretion as to how such assets would later be distributed among decedent's daughters.

**1. Wills—Execution**

Where alleged will was not executed or signed by the decedent but was dated several months after his death and executed and signed by others it could not be admitted to probate.

**2. Marshalls Custom—Widow's Rights**

Under the custom the widow is the sole person entitled to receive the assets of her husband's estate.

**3. Marshalls Custom—Widow's Rights**

Under Marshallese custom the widow, upon receiving the assets of her husband's estate, will confer with her daughters as to a further distribution of the estate, and such distribution is within the sole discretion of the widow and is not within the province of the court.

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<i>Assessor:</i>	HONORABLE LINO KORABB
<i>Interpreter:</i>	LANGINMO JACOB
<i>Counsel for Petitioner:</i>	ANIBAR TIMOTHY

SHOECRAFT, *Chief Justice*

Held before Chief Justice Robert K. Shoecraft at Ebeye, Marshall Islands, on May 9, 1968.

This matter came before the Trial Division of the High Court upon the petition of Likuma Lemman, representing to the Court that Lemman, her husband, late a resident of Ujae, died on the 23rd day of April, 1966, at Rongelap, Marshall Islands; that decedent was survived by his wife, Likuma Lemman, petitioner herein, and five (5) adopted daughters, namely, Limoton A., Limyo N., Libetty, Lirinok, and Neijook.

Petitioner further represented that the sole asset of the decedent consists of the proceeds of Savings Account No. 6288 in the Bank of Hawaii, Kwajalein, said account being presently in the name of Billiet Edmond, Guardian for Lemman, and is in the amount of Ten Thousand Dollars (\$10,000.00), plus interest from February 24, 1966.

[1] On October 2, 1967, Petitioner filed in the Marshall Islands District Court, at Ebeye, a purported "Testimony Will." Upon examination of said "Will" the Court is of the opinion that the same may not be admitted to probate since the said "Will" was not executed or signed by the decedent, Lemman, but was dated November 25, 1966, several months after the death of decedent, and executed

and signed by Likuma, Rinok, Neijook, and John Anjain, a community leader at Rongelap.

[2, 3] The Court next turned to the question of the application of Marshallese custom concerning property of the decedent and it is clear that under the custom, the widow, Likuma Lemman, is the sole person entitled to receive the assets of decedent's estate, although the Court notes that Marshallese custom in this instance makes no distinction between adopted children and natural children. The Court further understands that under Marshallese custom the widow, upon receiving the assets of the estate will confer with her daughters as to a further distribution of the estate, but that this later distribution is within the sole discretion of the widow and is not within the province of this Court.

ORDER

It is hereby ordered, decreed, and adjudged that the decedent's widow, Likuma Lemman, is the sole person entitled to receive all of the assets of decedent's estate, including the principal and interest of Bank of Hawaii, Kwajalein, Savings Account No. 6288, and the said Bank of Hawaii is hereby authorized to transfer said account from the name of "Billiet Edmond, Guardian for Lemman," to the name of Likuma Lemman or to the name of Limoton, Guardian for Likuma Lemman in accordance with the appointment of a guardian for Likuma Lemman as hereinafter provided.

Likuma Lemman, through her counsel, having represented to the Court that she desires that her daughter, Limoton, be appointed to act as her guardian due to petitioner's advanced age and disability to properly manage her financial affairs, the Court grants said request of petitioner and hereby Orders that Limoton be, and she hereby is, appointed as Guardian for Likuma Lemman, with full authority to act on behalf of the said Likuma Lemman.

It further appearing that the sole asset of this estate consists of the above mentioned savings account, further administration of the Estate of Lemman is hereby dispensed with.

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**In the Matter of the Estate of BULELE, Deceased**

**Probate Case No. 5**

**Trial Division of the High Court**

**Marshall Islands District**

**May 18, 1968**

Hearing on objection to distribution of portion of decedent's estate. The Trial Division of the High Court, R. K. Shoecraft, Chief Justice, held that portion of estate to which objection was made was not sole property of deceased but was held in his name for all the members of the *bwij* and thus the *iroij*, *alab* and *dri jermal* were entitled to their proportionate share.

**Trusts—Generally**

Although money was deposited in name of one as *alab*, and he had full authority to make withdrawals, it was clear that such funds were not the sole property of the *alab* but were held in his name for all of the members of his *bwij* and that the *iroij*, *alab* and *dri jermal* were entitled to their proportionate share.

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<i>Assessors:</i>	HONORABLE KABUA KABUA and HONORABLE LINO KORABB
<i>Interpreter:</i>	LANGINMO JACOB
<i>Counsel for Petitioner:</i>	LEVI, L.
<i>Counsel for Objector:</i>	ATIDRIK MAIE, PRO SE

**SHOECRAFT, Chief Justice**

Held before the Honorable Robert K. Shoecraft, Chief Justice, at Ebeye, Marshall Islands, on May 14 and 15, 1968.

This matter came before the Trial Division of the High Court for hearing on the petition of Ille Bulele for appointment as Administrator of the Estate of Bulele, deceased