

TITLE 2: NATURAL RESOURCES
DIVISION 4: LAND RESOURCES

§ 4251. Certificate of Title: Issuance.

(a) After the time for appeal from a determination of ownership by the Senior Land Commissioner has expired without any complaint for review having been filed, the Senior Land Commissioner shall issue a certificate of title setting forth the names of all persons or groups of persons holding interest in the land pursuant to the determination and shall cause the certificate of title to be recorded with the Recorder. The certificate of title shall be conclusive upon all persons who have had notice of the proceedings and all those claiming under them and shall be *prima facie* evidence of ownership as therein stated against the world; provided, that such ownership shall be subject to the following which should, but need not, be stated in the certificate:

- (1) Any rights of way there may be over the land in question;
- (2) Any lease or use right for a term not exceeding one year.

(b) Any easements or other rights appurtenant to the land in question which are over unregistered land shall remain so appurtenant even if not mentioned in the certificate, and shall pass with the land until cut off or extinguished in some lawful manner independent of the determination covered by the certificate.

(c) In case of an appeal from a determination of ownership to the Commonwealth Trial Court, the court shall certify its decision, as modified by the Appellate Division if that has happened, and shall cause the same to be recorded with the Recorder. In such case the judgment shall be binding and conclusive in the same manner as any other judgment affecting land in the Commonwealth, and shall also be conclusive upon all parties to the Land Commission proceedings who had notice of the appeal.

Source: PL 3-79, § 19.

Commission Comment: With respect to the references to the “Senior Land Commissioner” and the “Land Commission,” see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to 1 CMC § 2001; see also the comment to 2 CMC § 4212.

Section 4 of PL 6-25, the “Commonwealth Judicial Reorganization Act of 1989,” provides that “[w]herever the term ‘Commonwealth Trial Court’ appears in the Commonwealth Code, it is henceforth to be interpreted and understood to refer to the Commonwealth Superior Court.”