

TITLE 8: FAMILY LAW AND PROBATE
DIVISION 1: DOMESTIC RELATIONS

§ 2107. General Definitions.

Subject to additional definitions contained in subsequent chapters which are applicable to specific chapters, and unless the context otherwise requires, in this law:

(a) "Ancestors' land" means land acquired by a person in any manner from one or more of his Chamorro ancestors of Northern Marianas descent, whether by inheritance, gift, will, or family agreement.

(b) "Administrator" shall also mean "administratrix."

(c) "Child" includes any individual entitled to take as a child under this law by intestate succession from the parent whose relationship is involved. It includes adopted children and children born out of wedlock, and excludes any person who is only a stepchild, a foster child, a grandchild or any more remote descendant.

(d) "Claims," in respect to estates of decedents, includes liabilities of the decedent whether arising in contract, in tort or otherwise, and liabilities of the estate which arise at or after the death of the decedent, including funeral expenses, expenses of administration, court costs and reasonable attorney's fees. The term does not include estate or inheritance taxes, demands or disputes in the estate.

(e) "Court" means the Commonwealth Trial Court.

(f) "Devise," when used as a noun, means a testamentary disposition of real or personal property, and when used as a verb, means to dispose of real or personal property by will.

(g) "Devisee" means any person designated in a will to receive a devise.

(h) "Distributee" means any person who has received property of a decedent from his or her personal representative other than as a creditor or purchaser.

(i) "Executor" shall also mean "executrix."

(j) "Estate" includes the property of the decedent, or other person whose affairs are subject to this law, as originally constituted and as it exists from time to time during administration.

(k) "Exempt property" means that property of a decedent's estate which is described in 8 CMC § 2601.

(l) "Family land" means land acquired by any person by law or decision of the family or by inheritance from one or more Carolinian ancestors, and held by the person as customary trustee for the use of the family members. Any land where a title determination vests title in the heirs of a person where the person was Carolinian or a person who adopted and followed Carolinian custom shall be deemed family land.

(m) "Fiduciary" includes without limitation a personal representative, guardian, conservator, or trustee.

(n) "Guardian" means a person who has qualified as a guardian of a minor or incapacitated person pursuant to testamentary or court appointment, but excludes one who is merely a guardian ad litem.

(o) "Heirs" means those persons who are entitled under the chapter on intestate succession [8 CMC § 2901 et seq.] to the property of a decedent.

(p) "Interested person" includes heirs, devisees, children, spouses, creditors, beneficiaries, and any others having a property right in or claim against the estate of a decedent which may be affected by the proceeding. It also includes persons having priority for appointment as personal representative, and other fiduciaries representing interested persons. The meaning as it relates to particular persons may vary from time to time and must be determined according to the particular purposes of, and matter involved in, any proceeding.

(q) "Issue" of a person means all his lineal descendants of all generations, with the relationship of parent and child at each generation being determined by the definitions of child and parent contained in this law.

(r) "Nonresident decedent" means a decedent who was domiciled in another jurisdiction at the time of his or her death.

(s) "Parent" includes any person entitled to take, or who would be entitled to take if the child died without a will, as a parent under this law by intestate succession from the child whose relationship is in question and excludes any person who is only a stepparent, foster parent, or grandparent.

(t) "Person" means an individual, a corporation, an organization, or other legal entity; and includes either man or woman, single or married; and each masculine pronoun includes the corresponding feminine pronoun.

(u) "Personal representative" includes executor, executrix, administrator, administratrix, successor, personal representative, and persons who perform substantially the same function.

(v) "Petition" means a written request to the court.

(w) "Proceeding" includes action of law and suit in equity.

(x) "Property" includes both real and personal property or any interest therein and means anything that may be the subject of ownership.

(y) "Security" includes any note, stock, treasury stock, bond, debenture, evidence of indebtedness, or in general, any interest or instrument commonly known as a security, or any certificate of interest or participation, any temporary or interim certificate, receipt or certificate of deposit for, or any warrant or right to subscribe to or purchase, any of the foregoing.

(z) "Settlement," in reference to a decedent's estate, includes the full process of administration, distribution, and closing.

(aa) "Successor personal representative" means a personal representative who is appointed to succeed a previously appointed personal representative.

(bb) "Successors" means those persons, other than creditors, who are entitled to property of a decedent under a decedent's will or under this law.

(cc) "Testacy proceeding" means a proceeding to establish a will or determine intestacy.

(dd) "Testator" shall also mean "testatrix."

(ee) "Will" includes codicil and any testamentary instrument which merely appoints an executor or revokes or revises another will.

Source: PL 3-106, ch. 1, § 7.

Commission Comment: 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."