

TITLE 8: FAMILY LAW AND PROBATE
DIVISION 2: PROBATE LAW AND PROCEDURE

§ 2904. Carolinian Custom: Family Land.

(a) Unless the family consents or agrees otherwise, family land passes to a new customary trustee in the following manner:

(1) Upon the death of the customary trustee, title passes to the oldest surviving sister of the decedent;

(2) If there is no surviving sister, the oldest surviving brother of the decedent obtains title;

(3) If there is no surviving sister, or surviving brother, title passes to the oldest surviving daughter of the decedent and of his brothers and sisters;

(4) If there is no surviving sister, brother, or daughter, title passes to the oldest surviving son of the decedent and of his brothers and sisters;

(5) If there is no person capable of taking title listed above, title passes to the decedent's grandchildren in the same manner as that set forth in subsection (a)(3) and (4) of this section.

(6) In the event the court determines that no person is designated by subsection (a) of this section to hold title, the members of the family with use rights to the land shall select a customary owner who shall serve as customary trustee of the land. In the event the members of the family with use rights to the land are unable to agree upon a customary trustee, the court shall select a customary trustee in accordance with the customs of the Carolinian people.

(b) All members of the family shall have the same equal rights to the use of the land as the customary trustee has.

(c) Unless the family consents or agrees otherwise, family land shall not be passed on by will, devised, sold, leased, exchanged, mortgaged, partitioned, or otherwise disposed of by the customary trustee.

Source: PL 3-106, ch. 9, § 4, modified.

Commission Comment: In this section and following sections, PL 3-106 employed the term "dead person," which the Commission changed to "decedent" to maintain consistency with other provisions of PL 3-106. With respect to the heading of this section, see the comment to 8 CMC § 2902.