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

ESTATES OF **JUAN SARAMINA TEIGITA and MARIANA KANI-TEIGITA,** Deceased. **ESTATE OF JOSE RAPUGAU KANI,** Deceased.	**CIVIL ACTION NO. 89-1033** **CIVIL ACTION NO. 09-0198** **ORDER FINDING THAT MARIANA KANI-TEIGITA, A CAROLINAN WOMAN, OWNED LOT 611 IN THE SADOG TASI AREA AND LOT 663 IN THE SADOG DOGAS AREA INDIVIDUALLY IN FEE SIMPLE, AND MARIANA KANI-TEIGITA CLEARLY DECIDED TO DEPART FROM CAROLINIAN CUSTOMARY LAW AND PERFORMED A PARTIDA GIVING LOT 611 TO HERSELF AND HER HEIRS, AND LOT 663 TO HER BROTHER JOSE RAPUGAU KANI AND HIS HEIRS; AND THE PARTIDA WAS ALSO CONSENTED TO BY THE FEMALE FAMILY MEMBERS**

I. INTRODUCTION

THIS MATTER came before the Court on July 6, 2020 at 9:30 a.m. for an evidentiary hearing on Claimant Estate of Jose R. Kani's Objection to Amended Petition for a Decree of Final Distribution.[1] Eloy Dela Cruz the Administrator for the Estate of Mariana Kani-Teigita ("Estate of Mariana") was present with counsel Rosemond Santos, Esq. Joseph Ruak the Administrator for the Estate of Jose R. Kani ("Estate of Jose") was also present with counsel Brien Sers Nicholas, Esq. Jennifer Teigita, a family representative for the heirs of Joaquin Kani Teigita, was present and

[1] On February 14, 2020, Eloy Dela Cruz administrator for the Estate of Mariana filed an Amended Petition for Decree of Final Distribution. On February 18, 2020, Joseph Ruak administrator for the Estate of Jose filed an objection to the Amended Petition for Decree of Final Distribution.

represented by Janet King, Esq. The Court heard the testimony of the following individuals: (1) Eloy Dela Cruz; (2) Jennifer C. Teigita; (3) Isidro Kani; and (4) Joseph Ruak. The following exhibits were admitted into evidence: (1) November 5, 1953 Determination of Ownership; (2) Certificate of Title (016 B10); (3) Certificate of Title (016 B11); (4) Certificate of Title (016 B12); (5) Deed of Gift Executed February 2, 1987; (6) Deed of Gift Executed April 19, 1987; (7) Deed of Gift Executed February 22, 2017; (8) Correspondence date November 5, 1953; (9) Notice Dated October 2, 1953; (10) Investigation of Damage Private Property Dated January 21, 1953; (11) Notice Dated September 2, 1953; (12) Third Amended Inventory; (13) Amended Petition for Decree of Final Distribution; and (14) Landowner's Authorization.

II. FINDINGS OF FACT

1. Vicente Kani and his wife Gazitana Rapugau Kani had three children: Jose Rapugau Kani ("Jose"), Maria Rapugau Kani ("Maria"), and Mariana Rapugau Kani-Teigita ("Mariana").[2] Vicente and Gazitana and their children were Carolinians.
2. Jose died on June 6, 1946, and had four (4) surviving children at the time of his death: Pedro Iguel Kani ("Pedro"), Andres Iguel Kani, Anastacia Iguel Kani ("Anastacia"), and Magdalena Iguel Kani Ruak.[3]
3. Maria died prior to November 1953 without bearing any children.
4. Mariana married Juan Saramina Teigita ("Juan") and had two children: Ignacia Kani Teigita Cangco ("Ignacia"),[4] born on April 20, 1929, and Joaquin Kani Teigita ("Joaquin"), born on August 15, 1931.
5. On November 5, 1953, John A. Wood, the Title Officer for Saipan District of the Trust Territory of the Pacific Islands issued, in his official capacity as Title Officer, Title

[2] Mariana Rapugau Kani is the maiden name of Mariana Rapugau Kani-Teigita.
[3] Magdalena Iguel Kani is the maiden name of Magdalena Iguel Kani Ruak.
[4] Ignacia Kani Teigita is the maiden name of Ignacia Kani Teigita Cangco.

Determination 763 ("T.D. 763"), which determined that Lot 611 was owned by Mariana in fee simple, and Title Determination 764 ("T.D. 764"), which determined that Lot 663 was owned by Mariana in fee simple.

6. Sometime in 1968, close in time to Typhoon Jean, a family meeting was held at the home of Joaquin to devise Lot 611 and Lot 663 between the descendants of Mariana and the descendants of her brother Jose.

7. The 1968 family meeting had representatives for both the Mariana and Jose family branches.

8. Present at the 1968 family meeting for the Mariana branch was Mariana herself, who was the oldest Carolinian woman present, and her children Ignacia and Joaquin.

9. Present at the 1968 family meeting for the Jose branch was Jose's widow, Manuela Iguel Kani; two of Jose's children, Pedro and Anastacia; and Anastacia's son Isidro Iguel Kani ("Isidro") – who testified at the July 6, 2020 Evidentiary Hearing.[5]

10. At the 1968 family meeting, the lot numbers were written on two (2) pieces of paper that were put into a police helmet. Joaquin, representing Mariana's side, reached into the police helmet and picked Lot 611, also known as the Sadog Tasi property, which left Lot 663, also known as the Sadog Dogas property, to the descendants of Jose, who were represented at the 1968 family meeting by Pedro.

11. At the conclusion of the selection of lots, Mariana told everyone present that they should now be content because each side has received their partida.

[5] Isidro gave similar testimony at the August 19-22, 2019 evidentiary hearing for *In re Estate of Teigita*, Civ. No. 89-1033 (NMI Super. Ct. Dec. 12, 2019) (Order Finding That There Was No Mwei Mwei Adoption Because Catalino Tagonan Cangco Did Not Want His Wife Ignacia Kani Teigita's Children From A Prior Relationship To Be Part Of His Household, Therefore As Very Young Children Unable To Support Themselves, Pedro Kani Teigita And His Sister Cayetana Kani Teigita Were Taken In By Their Biological Grandparents As Fa'am, The Carolinian Custom Of Taking In Foster Children). Isidro gave the same testimony at the 2019 evidentiary hearing, which at the time centered around the issue of whether Pedro Kani Teigita and his sister Cayetana Kani Teigita were adopted under the customary practice of *mwei mwei*, Isidro's testimony remains consistent even before his testimony of the 1968 family meeting became relevant in the July 6, 2020 hearing. The Court finds Isidro's testimony very credible.

12. Though the result of the selections was never written down, since the 1968 family meeting, no one on Jose's side of the family has ever resided or built anything on Lot 611 at the Sadog Tasi area and no one on Mariana's side of the family has ever resided or built anything on Lot 663 at the Sadog Dogas area. Since 1968, the two branches of families have remained on their respective designated Lots.

13. Because the selection of Lot 611 and Lot 663 and the resulting partida were never reduced to title documents, members of the Jose branch and members of the Mariana branch would occasionally sign documents ***as if*** giving consent for the other branch members to avail of government loans or services.

14. Mariana died without a written will on February 4, 1969.

15. Mariana's estate was not probated until 1989 and remains open as of the time of this order.

16. Jose's estate was not probated until 2009 and remains open as of the time of this order.

III. LEGAL STANDARD

The effective date of the Commonwealth of the Northern Mariana Islands ("CNMI") Probate Code is February 15, 1984. 8 CMC § 2101. Therefore, because Mariana died prior to the effective date of the CNMI Probate Code, her estate must be devised according to the descent provisions of Title 13 of the Trust Territory Code. 8 CMC § 2102. "[T]he non-descent provisions of [the] current probate code would still apply to the extent they are not in conflict with the descent provisions of title 13 of the Trust Territory Code." *Malite v. Superior Court of the Commonwealth of the N. Mar. I.*, 2007 MP 3 ¶ 2 n.1. The applicable non-descent provisions of the CNMI Probate Code include 8 CMC § 2104, the statute that specifies the purposes of the probate code. *See In re Estate of Camacho*, 2012 MP 8 ¶ 14 (applying 8 CMC § 2104 in a probate case where the decedent died intestate in 1977).

Title 13 of the Trust Territory Code does not have provisions for decedents who die without a written will. *See In re Estate of Rangamar*, 4 NMI 72, 75 (1993). Therefore, because Mariana was a Carolinian, the Court must "resort to Carolinian custom for guidance." *Id.* Carolinian custom has "the

full force and effect of law" as far as it does not conflict with other applicable laws. 1 TTC § 102;[6] *see also In re Estate of Lairopi*, 2002 MP 10 ¶ 12 ("It is settled law in the Commonwealth that Carolinian custom guides the distribution of the estate of a Carolinian person who dies intestate."). Under Carolinian customary law, the Court, when probating the estate of a Carolinian, will look to: (1) whether the property at issue is Carolinian family land; and (2) if the land is not family land, whether the land is transferred to the heirs individually or pursuant to Carolinian custom. *See In re Estate of Ogumoro*, 4 NMI 124, 128 (1994).

IV. DISCUSSION

A. The Original Ownership of Lot 611 and Lot 663

Commonwealth Courts will uphold title determinations made by the Trust Territory Government under the principle of administrative res judicata (also known as "claim preclusion"), *see In re Estate of Kaipat*, 3 NMI 494, 497 (1993), unless the Court finds one of the following: "(1) the administrative decision was 'void when issued;' (2) the 'record supporting the agency's decision is patently inadequate;' (3) according the decision res judicata effect would 'contravene an overriding public policy;' or (4) according the decision res judicata effect would 'result in manifest injustice.'" *In re Estate of De Castro*, 2009 MP 3 ¶ 24 (quoting *In re Estate of Dela Cruz*, 2 NMI 1, 11 (1991)).

Some examples of when the Court should not give title determinations res judicata effect include: (1) the heirs of the original owner work or occupy the land at issue – not just the one claiming sole ownership, *see In re Estate of Kaipat*, 3 NMI at 498; and (2) when the descendants of the original owner all agreed at first that the title determination awarding sole ownership was incorrect, *see In re Estate of Ogumoro*, 4 NMI 124, 127 (1994). Additionally, if the original administrative title determination found that the property in question is owned by the heirs of the original property owner,

[6] The laws listed in 1 TTC § 101 with which custom may not conflict are: (1) the Trusteeship Agreement; (2) United States laws in effect in the Trust Territory; (3) Trust Territory laws and their amendments; (4) district orders and emergency district orders; (5) Trust Territory legislation; and (6) municipal ordinances.

that property determination should not be given res judicata effect with respect to an individual heir. *See In re Estate of De Castro*, 2009 MP 3 ¶ 27; *In re Estate of Dela Cruz*, 2 NMI 1, 14 (1991) (stating that the administrative determination only established that the property "was not owned by the government and that the owners were persons within that class of people known as the 'heirs of Joaquin Dela Cruz'").

Here, the Trust Territory of the Pacific Islands determined on November 5, 1953, that Lot 611 and Lot 663 were owned by Mariana in T.D. 763 and T.D. 764, respectively. Unlike the title determinations at issue in *In re Estate of De Castro*, 2009 MP 3, and *In re Estate of Dela Cruz*, 2 NMI 1 (1991), which stated that the relevant properties belonged to a class of individuals known as the "heirs" of a decedent, T.D. 763 and T.D. 764 stated that that Lot 611 and Lot 663 were owned by Mariana in fee simple. Therefore, the Court must give T.D. 763 and T.D. 764 res judicata effect and find that Mariana owned Lot 611 and Lot 663 in fee simple unless: (1) the decisions were void when issued; (2) the record supporting the decisions are patently inadequate; (3) according the decisions res judicata effect would contravene an overriding public policy; or (4) according the decisions res judicata effect would result in manifest injustice. *See In re Estate of De Castro*, 2009 MP 3 ¶ 24.

Here, neither party argued that T.D. 763 and T.D. 764 should not be given res judicata effect. Neither party suggested that Mariana actually held Lot 611 and Lot 663 in trust for her family. Therefore, the Court upholds T.D. 763 and T.D. 764 and finds that Mariana owned Lot 611 and Lot 663 in fee simple.

B. Inheritance of Lot 611 and Lot 663

In the traditional Carolinian custom, land tenure is matrilineal. *See In re Estate of Rangamar*, 4 NMI 72, 76 (1993). "Farm land and town lots and buildings are owned collectively by the female members of the matrilineal lineages […] [and] lineage land is not divided when members of a lineage die." *Id.* quoting Alexander Spoehr, SAIPAN: THE ETHNOLOGY OF A WAR DEVASTATED ISLAND (Chicago Natural History Museum, Fieldiana: Anthropology, vol. 41, 1954). The land is "recorded in

the name of the oldest female member of the maternal line, with the oldest holding title and acting more or less as a 'trustee' for the rest of the lineage members." *In re Estate of Rangamar*, 4 NMI at 76. Owning property individually is contradictory to the traditional Carolinian custom of land ownership. *See In re Estate of Ogumoro*, 4 NMI at 128; *In re Estate of Kaipat*, 3 NMI at 499 ("[I]t is indeed unusual for an ancestor to cut off other heirs from sharing in the land."). Commonwealth Courts presume that land originally owned by a Carolinian is Carolinian family land owned according to the traditional Carolinian custom. *See In re Estate of Lairopi*, 2002 MP 10 ¶ 10-13.

The Supreme Court of the Commonwealth of the Northern Mariana Islands ("Supreme Court") has recognized that real property owned by a Carolinian will not pass according to traditional Carolinian custom: (1) when the original owner of the property "clearly decides to depart from Carolinian customary law," *In re Estate of Lairopi*, 2002 MP 10 ¶ 12;[7] or (2) when the female members of the decedent's family consent to treat the property in a manner inconsistent with Carolinian land custom, *see In re Estate of Kaipat*, 2010 MP 17 ¶ 8 n.5 (quoting *In re Estate of Rangamar*, 4 NMI 72, 77 (1993)); *see also* 8 CMC § 2905(a) (stating that non-family land will pass pursuant to Carolinian custom "[u]nless the family consents or agrees otherwise").[8]

Here, as stated above, Mariana owned Lot 611 and Lot 663 in fee simple. Because Mariana was Carolinian, there is a presumption that Lot 611 and Lot 663 will pass to her descendants in the manner specified by Carolinian custom. *See In re Estate of Lairopi*, 2002 MP 10 ¶ 10-13. However, as explained below, the Court finds that the presumption has been overcome. For one, Mariana, as the original owner of Lot 611 and Lot 663, clearly departed from Carolinian customary law by devising Lot 611 and Lot 663 in fee simple by non-customary means. *See In re Estate of Lairopi*, 2002 MP 10

[7] *See also In re Estate of Kaipat*, 3 NMI 494, 498 (1993) ("Only where the original owner clearly decides to depart from Carolinian customary law may a devise to an heir stand.").

[8] Although 8 CMC § 2905(a) is not applicable here because Mariana died prior to the effective date of the probate code, 8 CMC § 2905(a) mirrors the rule stated by the Supreme Court in *In re Estate of Rangamar*, 4 NMI 72 (1993), which analyzed an estate of an individual who died prior to the effective date of the probate code.

¶ 12. Additionally, the female members of Mariana's family consented to the treatment of Lot 611 and Lot 663 in a manner inconsistent with traditional Carolinian land custom. *See In re Estate of Kaipat*, 2010 MP 17 ¶ 8 n.5 (quoting *In re Estate of Rangamar*, 4 NMI 72, 77 (1993)).

1. Mariana, As the Original Owner of Lot 611 and Lot 663, Clearly Departed from Carolinian Customary Law in Deciding to Devise Lot 611 and Lot 633 In Fee Simple to Her Heirs and the Heirs of Her Brother Jose

As stated above, Mariana decided to devise Lot 611 and Lot 663 by means of drawing the lot numbers out of a police helmet at the 1968 family meeting, to which all of the participants representing both sides of the family consented. Mariana's decision to divide the two properties between her descendants and the descendants of her brother, Jose Rapugau Kani, clearly departs from the traditional Carolinian custom of having the property devised to the eldest daughter to hold as a land trustee for the benefit of the collective family lineage. *See In re Estate of Kaipat*, 3 NMI at 499 ("[I]t is indeed unusual for an ancestor to cut off other heirs from sharing in the land."). Therefore, because Mariana clearly decided to depart from Carolinian customary law, Mariana's devise of Lot 611 and Lot 663 stands. *See id.* at 498 ("Only where the original owner clearly decides to depart from Carolinian customary law may a devise to an heir stand.").

As to how Mariana devised Lot 611 and Lot 663, the Court finds that it took the form of a partida. A partida is a customary form of land distribution that occurs when a parent who owns a permanent interest in land holds a family meeting and divides the property amongst the children. *See In re Estate of Pangelinan*, 2018 MP 10 ¶ 16 (quoting *In re Estate of Castro*, 4 NMI 102, 107 (1994)). Such land distributions were legally recognized both before and after the passage of the Probate Code. *See* 8 CMC § 2302; *Blas v. Blas*, 3 TTR 99, 108-09 (Trial Div. 1966).

Generally, to determine whether a partida occurred, Courts look to whether the property owner: (1) called a family meeting of all members; (2) designated specific parcels of land to specific children; and (3) whether the heirs accepted the property. *See Blas*, 3 TTR at 108-09. "However, the means by which a partida is accomplished are flexible and determined on a case-by-case basis." *In re Estate of*

Castro, 4 NMI 102, 110 (1994). "[W]here evidence of [the formal elements of a partida] is lacking, the court may examine the case before it with respect to its particular circumstances and need not apply a rigid set of requirements." *In re Estate of Seman*, 4 NMI 129, 132 (1994). "One of the main reasons for the flexibility is that the intent of the decedent is paramount and must be effectuated where discerned." *In re Estate of Castro*, 4 NMI at 110; *see also* 8 CMC § 2104 (stating that one of the main purposes of Commonwealth probate is "to discover and make effective the intent of a decedent in distribution of [her] property"). Therefore, even when there is no direct evidence showing that the owner performed all of the steps of a formal partida, the Court may nonetheless uphold the wishes of the decedent by finding that one was intended. *See In re Estate of Seman*, 4 NMI 129, 132 (1994) (stating that "where there is no direct evidence that a partida occurred, indirect evidence may reveal that one was intended").

"A distribution by partida may be either testamentary, in that the children take the land upon the [parent's] death, or inter vivos, with the children taking formal and sole control of their land immediately." *In re Estate of Castro*, 4 NMI at 110 (internal citation omitted).

Partidas are generally oral, *see Blas*, 3 TTR at 109,[9] however, they may also be written, *see In re Estate of Castro*, 4 NMI at 110.

When the Carolinian[10] people migrated to Saipan in the mid-Nineteenth century, the practice of partida was not a part of Carolinian culture. Instead, partida was only performed by Chamorros. When the Carolinians first migrated to Saipan, the Chamorros were not present in the Northern Mariana Islands because the Spanish had previously forcefully relocated them to Guam.[11] Following the return of the Chamorro people to Saipan in the early Twentieth Century, the Carolinians began to interact with the reintroduced Chamorros. DIRK HR SPENNEMANN, EDGE OF EMPIRE: THE GERMAN COLONIAL

[9] Partidas do not need to satisfy the Statute of Frauds. *See Guerrero v. Guerrero*, 2 NMI 61, 71 n.4 (1991).
[10] Today, many Carolinian people in the Commonwealth prefer to refer to themselves as "Refaluwasch" meaning people from the deep sea.
[11] On the island of Rota, there were some Chamorros who evaded capture.

PERIOD IN THE NORTHERN MARIANA ISLANDS 207-208 (2007) (stating that the German colonial officials promoted an intermingling of the Chamorro and Carolinian people). By the end of World War II, the Carolinian people had adopted some Chamorro customs, including the practice of partida. ALEXANDER SPOEHR, SAIPAN: THE ETHNOLOGY OF A WAR-DEVASTATED ISLAND 334 (Chicago Natural History Museum Vol. 41) ("In cases where land is owned by an individual and inherited from individual to individual, and where it is divided among heirs at each successive generation, Carolinian practice has been assimilated to Chamorro custom."); R. EMERICK, LAND TENURE PATTERNS IN THE MARIANAS, printed in LAND TENURE PATTERNS IN THE TRUST TERRITORY OF THE PACIFIC ISLANDS 225-227 (1958) (noting the assimilation of Chamorro customary practices of land tenure and inheritance into Carolinian custom); *In re Estate of Kaipat*, 2010 MP 17 ¶ 12 (stating that Carolinian "custom requires that [the Court] respect a decedent's intent when ascertainable"); *In re Estate of Lairopi*, 2002 MP 10 ¶¶ 17-18 (stating that a Carolinian distributing property "in a manner contrary to Carolinian custom and more in line with the Chamorro concept of partida" is something she could have done); *In re Estate of Lairopi*, Civ. No. 97-1234B (NMI Super. Ct. Nov. 09, 2000) (Decision & Order Re Objection to Administrator's Petition for First and Final Distribution at 8 n.24) (John A. Manglona, Judge Pro Tem) ("Some Carolinians have deviated from the Carolinian land tenure custom by distributing the land to their members as their individual property, similar to the Chamorro custom of partida."); *In the Matter of the Estate of Ramona Satur Taisakan*, 1 CR 326, 332-34 (Dist. Ct. 1982) (finding that Carolinians have assimilated the partida practice into their culture); *see also In re Estate of Rangamar*, 4 NMI at 77 (stating that "custom over time may gradually change by a uniform and common change in practice").[12]

[12] *See also In Re Estate of Rangamar*, Civ. No. 04-0349 (NMI Super. Ct. Jan. 05, 2021) (Order Finding That Ramona Mangabao Rangamar, a Carolinian Woman, Owned Lot 1607 Individually in Fee Simple; and Ramona Mangabao Rangamar Clearly Decided to Depart from Carolinian Customary Law when she gave her Daughter Asuncion Rangamar Aldan Sole Ownership of Lot 1607, which was also Consented to and Memorialized in Writing by other Female Members of the Family).

Here, the evidence shows that Mariana performed a partida: (1) Mariana called a family meeting for the purpose of devising Lot 611 and Lot 663 between two family branches; (2) the specific lots were such divided; and (3) each family member accepted the decision of the division. The 1968 family meeting resulted in a property division between Mariana's children and the children of her brother Jose. A typical partida involves the distribution of the property among the landowner's ***own*** children, however the Supreme Court made it clear that "the court may examine [a partida] case before it with respect to its particular circumstances and need not apply a rigid set of requirements." *In re Estate of Seman*, 4 NMI 129, 132 (1994). The crux here is that Mariana clearly intended to divide the two lots between her descendants and the descendants of her brother Jose. Because such intent is discernable, Mariana's intent is paramount and the Court must effectuate it. *See In re Estate of Castro*, 4 NMI at 110 ("One of the main reasons for the flexibility is that the intent of the decedent is paramount and must be effectuated where discerned."); *see also* 8 CMC § 2104 (stating that one of the main purposes of Commonwealth probate is "to discover and make effective the intent of a decedent in distribution of [her] property"). Thus, because the law allows Commonwealth Courts to be flexible when determining whether a partida occurred, and Mariana's intent to devise Lot 611 and Lot 663 by means of drawing lots out of a police helmet is clear, the Court finds that there is strong credible evidence that Mariana performed a partida with respect to Lot 611 and Lot 663. Therefore, the Court shall effectuate Mariana's intent to devise Lot 611, located in the Sadog Tasi area to the children of Mariana. Furthermore, the Court shall effectuate Mariana's intent to devise Lot 663, located in Sadog Dogas area, to the children of her brother Jose. *See In re Estate of Castro*, 4 NMI at 110.

2. Also, The Female Members of Mariana's Family Consented to The Treatment of Lot 611 and Lot 663 In A Manner Inconsistent with Traditional Carolinian Land Custom

Here, the relevant female members of Mariana's family are Mariana herself and her daughter Ignacia. These are the relevant female members because Mariana owned Lot 611 and Lot 663 and Ignacia, who was next in line to hold both lots as a Carolinian Land Trustee for her family had

traditional Carolinian custom been followed. Both Mariana and Ignacia, as well as the other members of Mariana's and Jose's branches, agreed to devise Lot 611 and Lot 663 by means of drawing lots. Therefore, because the female members of Mariana's family agreed that Lot 611 and Lot 663 should be devised between Mariana's and Jose's families, and "the court may allow the division of the property among individual male and female heirs" when "the females [in a Carolinian family] consent[] to [the] treatment [of the property in a manner] inconsistent with Carolinian land custom," *In re Estate of Kaipat*, 2010 MP 17 ¶ 8 n.5 (quoting *In re Estate of Rangamar*, 4 NMI 72, 77 (1993)), the Court finds, for this reason also, that Lot 611, located in the Sadog Tasi area, was devised to the heirs of Mariana and Lot 663 located in the Sadog Dogas area, was devised to the heirs of Jose.

V. CONCLUSION

Therefore, pursuant to the principle of administrative res judicata, the Court upholds Title Determinations 763 and 764, which stated that Mariana Kani-Teigita, a Carolinian woman, owned Lot 611 and Lot 663 individually in fee simple. Additionally, the Court finds that Mariana Kani-Teigita clearly decided to depart from traditional Carolinian customary law by performing a partida that devised Lot 611, located in the Sadog Tasi area, to Mariana Kani-Teigita's heirs and Lot 663, located in the Sadog Dogas area, to the heirs of her brother Jose Rapugau Kani by means of drawing lot numbers, which was also consented to by the relevant female family members.[13]

SO ORDERED this 20th day of January, 2021.

/s/
JOSEPH N. CAMACHO, Associate Judge

[13] On April 26, 2018, the Court issued *In re Estate of Kani-Teigita*, Civ. No. 89-1033 (NMI Super. Ct. Apr. 26, 2018) (Order Finding That The Sadog Dogas Property Remains With The Estate Of Mariana Kani-Teigita As The Estate Assets Have Not Yet Been Distributed), which ordered that Lot 663, the Sadog Dogas property, remain as a part of the Estate of Mariana Kani-Teigita. The April 26, 2018 Order found that an alleged conveyance of the Sadog Dogas property, Lot 663, was invalid because the Estate of Mariana, the original owner of Lot 663, had yet to be probated. The fact that Mariana had devised Lot 663 to the heirs of her brother Jose by means of a partida had not yet come to the Court's attention at the time of the April 26, 2018 Order. Therefore, any inconsistences between the April 26, 2018 Order and this Order are resolved in favor of this Order.