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

**ESTATE OF
 PEDRO MANGLONA ATALIG,**

Deceased.

CIVIL ACTION NO. 05-0064

**ORDER GRANTING PAYMENT
 OF LAND IN LIEU OF AMOUNT
 OWED FOR ATTORNEY’S FEES
 AND COSTS IN COMPLIANCE WITH
 8 CMC § 2926 (a), (c)**

I. INTRODUCTION

THIS MATTER came before the Court on June 30, 2022 at 10:00 a.m. on the Administratrix’s Petition for Decree of Final Distribution in the Estate of Pedro Manglona Atalig (hereafter “Estate”) pursuant to Rule 12 of the Commonwealth Rules of Probate Procedure. Nelida Bisnar Atalig, Administratrix of the Estate (hereafter “Administratrix”) appeared at the hearing represented by her counsel, Joaquin DLG. Torres (hereafter “Attorney Torres”) in her capacity as Administratrix and her counsel, Joseph E. Horey in her personal capacity.

In her Petition, Administratrix petitioned for two of the Estate’s properties particularly known as Tract Number 22884 (H-80 “E” 1) and Tract Number 22885 (H-80 “E” 2) located in Rapugao, Puerto Rico, Saipan to be used as payment for Attorney’s Fees and Costs of Joaquin DLG. Torres, Esq. The Court ordered Administratrix to file a short brief and justification of why the Court should approve payment with Estate land in lieu of attorney’s fees and costs. See “*Order for Brief on Land in Lieu of Attorney’s Fees*”, *Estate of Pedro Manglona Atalig, CA No. 05-0064, NMI Superior Court, 06/13/2022*. In

By order of the Court, Judge Joseph N. Camacho

1 compliance, Administratrix filed Estate's Response to Court Order Dated June 13, 2022 on
2 June 29, 2022 with Attorney Torres' Billing Statement, *Exh. A*.

3 **II. FACTUAL FINDINGS**

- 4 1. Attorney Torres is of Northern Marianas descent and able to own land.
- 5 2. Attorney Torres represented Administratrix and the Estate for over twelve (12) years
6 of litigation starting in May of 2009.
- 7 3. The Estate initially had two co-administrators, namely Nelida Bisnar Atalig the
8 surviving spouse of the decedent, and Andy Atalig the eldest son of decedent from
9 another relationship.
- 10 4. Nelida Bisnar Atalig and Andy Atalig were embroiled in protracted disputes as to
11 how to manage, account and distribute the Estates' assets, mostly over land.
- 12 5. The decedent had four sets of children from four different relationships.¹
- 13 6. Decedent owned several real properties totally 300,509 square meters throughout the
14 Northern Marianas at the time of his death.
- 15 a. On October 3, 2022, a Final Distribution was made to the nine heirs each
16 receiving portions of their father's several real properties.
- 17 7. The Estate has no large cash reserves to pay Attorney Torres' Fees and Costs.
- 18 8. Attorney Torres has been licensed to practice law in the CNMI for over twenty years.
- 19 9. Attorney Torres hourly rate is \$250 per hour.
- 20 10. An hourly rate of \$250 per hour is in line with the customary rate charged by other
21 attorneys in the CNMI.
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26 ¹ Pedro Manglona Atalig was a retired Associate Justice of the CNMI Supreme Court. The Court extends the
upmost respect to the late justice and his family. No disrespect was intended as it was necessary to resolve this
legal issue to mention that Justice Atalig had four set of children, with each set having distinct and separate
rights of inheritance apart from the biological children of surviving spouse Nelida Bisnar Atalig.
<https://www.nmijudiciary.gov/former-justices>

1 11. Attorney Torres provided a Billing Statement which described the work he did, the
2 hours he worked, and the cost per hour.

3 12. Attorney Torres' total Attorney Fees and Costs over the twelve years were
4 \$22,509.50 and after a \$2,000 discount the total came to \$20,509.50.

5 13. The two land properties, Tract Number 22884 (H-80 "E" 1) and Tract Number 22885
6 (H-80 "E" 2) are located in Rapugao, Puerto Rico, Saipan.

7 14. Tract Number 22884 (H-80 "E" 1) and Tract Number 22885 (H-80 "E" 2) estimated
8 value were at \$10,000 each.

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10 **III. LEGAL STANDARD**

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12 **A. Title 8 CMC § 2926(c) of the Commonwealth Code**

13 The Court refers to 8 CMC § 2926(c) to analyze whether Attorney Torres' Fees and
14 Cost are reasonable:

15 (c) In establishing reasonable attorney's fees pursuant to 8 CMC § 2925(a) and
16 this section, the personal representative and the court shall account for the
17 services rendered during probate, the time and skill required to perform
18 them, the date the services were performed, the benefit to the estate, and the
19 customary charge and rate for such services within the Commonwealth.

20
21 **B. Title 8 CMC § 2926(a) of the Commonwealth Code**

22 The Court must determine if using land as payment in lieu of amount owed for
23 attorney's fees and costs complies with established law. "An attorney or personal
24 representative shall not calculate his fees as a percentage of the value of all or any part of
25 an estate." See 8 CMC § 2926(a).

26
IV. DISCUSSION

a. Reasonable Fee Factors in 8 CMC § 2926(c)

Attorney Torres represented the Administratrix and the Estate in this probate for over
twelve (12) years since 2009. See "*Estate's Response to Court Order Dated June 13, 2022*".
Estate of Pedro Manglona Atalig, CA No. 05-0064, NMI Superior Court. 06/29/2022. This

1 probate initially commenced in 2005. Attorney Torres has been an attorney licensed to
2 practice in the CNMI for over twenty years. The Estate had issues such as Marital Assets
3 and Non-Northern Marianas descent heirs that were particularly difficult to resolve.

4 As counsel for the Estate, Attorney Torres assisted and counseled the Administratrix
5 through long and protracted disputes as to how to manage, account and distribute the
6 Estates' assets². Decedent owned several real properties throughout the Northern Marianas
7 at the time of his death totally 300,509 square meters. The Estate assets were eventually
8 distributed to the heirs and the probate finally brought to a close. After many years, the
9 heirs received their rightful inheritance of land from their father.
10

11 The Court finds that Attorney Torres' experience and legal services benefited the
12 Estate.

13 Attorney Torres provided a Billing Statement that indicated attorney's fees and cost
14 of \$22,509.50 and after a \$2,000 discount the total came to \$20,509.50. Attorney Torres
15 has been an attorney in the CNMI for over twenty years. Attorney Torres' hourly rate is
16 \$250 per hour. Two-hundred fifty dollars per hour is in line with other attorneys' customary
17 rate in the CNMI. Attorney Torres performed such skills and the necessary time required
18 to render such services.
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20 The Court finds the factors in 8 CMC § 2926 (c) were met by Attorney Torres.

21 **b. Land in Lieu of Amount Owed for Attorney Fees and Costs**

22 Administratrix stated that the Estate had no remaining funds to pay for any attorney
23 fees and cost, thus, Administratrix is asking to use other Estate assets to pay for the
24 remaining attorney's fees and costs, and finally close the probate. Administratrix intends to
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² *In re Estate of Pedro Mangloña Atalig*, (Civil Action No. 05-0064, Superior Court of the Northern Mariana Islands April 7, 2022).

1 transfer two properties from the Estate, Tract Number 22884 (H-80 “E” 1) and Tract
2 Number 22885 (H-80 “E” 2) to Attorney Torres in lieu of payment for his fees and costs.

3 Attorney Torres is of Northern Mariana descent and able to own land. Attorney
4 Torres provided a Billing Statement for his services rendered over the twelve years, he is
5 not seeking a percentage of the value of all or part of the Estate. Unlike *In re Yana* where
6 the attorneys had a contingency fee agreement to receive one-third of the compensation
7 their clients would get from a land compensation payment in the case. See *In re Yana*. 2014
8 MP 2 ¶1. The attorneys were in effect charging a percentage of the Estate which is illegal.
9 See 8 CMC § 2926(a). Here, the value of the two properties -- Tract Number 22884 (H-80
10 “E” 1) and Tract Number 22885 (H-80 “E” 2) -- are similar to the value of Attorney Torres’
11 Fees and Costs. Attorney Torres has met the factors pursuant to 8 CMC § 2926(c). The
12 payment of land is equivalent to the amount of Attorney Torres’ Fees and Costs and does
13 not violate 8 CMC § 2926(a).
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15 Furthermore, to have land -- Tract Number 22884 (H-80 “E” 1) and Tract Number
16 22885 (H-80 “E” 2) -- sold to a third party, assuming someone is interested, then use the
17 proceeds to pay Attorney Torres will needlessly prolong the process and further increase
18 the Estate’s costs and expenses.
19

20 The Court finds that Administratrix’s request of transferring land as payment for
21 attorney fees and costs is in accordance with CNMI law and that Attorney Torres is eligible
22 to receive ownership of the two properties.

23 Therefore, the request by the Administratrix Nelida Bisnar Atalig to use land as
24 payment for Attorney Torres’ Fees and Costs is hereby **GRANTED**.

25 **IN SUMMARY, IT IS HEREBY ORDERED ADJUDGED AND DECREED,**
26 that the Estate’s two (2) parcels of land particularly known as Tract Number 22884 (H-80

1 “E” 1) and Tract Number 22885 (H-80 “E” 2) located in Rapugao, Puerto Rico, Saipan be
2 used and transferred as payment for Attorney Torres’ Fees and Costs.

3 **THEREFORE**, the Administratrix³ is **HEREBY ORDERED TO GRANT AN**
4 **ADMINISTRATOR’S DEED** for the properties known as Tract Number 22884 (H-80
5 “E” 1) and Tract Number 22885 (H-80 “E” 2) located in Rapugao, Puerto Rico, Saipan to
6 Joaquin DLG. Torres.

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8 **SO ORDERED** this 13th day of March, 2023.

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11 /s/
JOSEPH N. CAMACHO, Associate Judge

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³ In the alternative, if the Administratrix is not available then the Administrator’s Deed maybe signed by the Clerk of Court of the Superior Court of the Commonwealth of the Northern Mariana Islands.