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

ESTATE OF RITA ROGOLIFOI,

CIVIL ACTION NO. 03-0079

Deceased.

**DECREE OF FINAL DISTRIBUTION
 APPROVING TRANSFER OF THE
 RITA ESTATE'S CAROLINIAN
 FAMILY LAND AND ASSETS TO A
 NORTHERN MARIANAS DESCENT
 FAMILY CORPORATION
 PURSUANT TO 8 CMC §§ 2904, 2909**

I. INTRODUCTION

THIS MATTER came before the Court on the Co-Administrators' Motion to Approve the Final Distribution of Property and Funds to a Family Corporation pursuant to 8 CMC §§ 2904, and 2909, on October 3, 2024, at 10:00 a.m. in Courtroom 220A. Present were the Estate of Rita Rogolifoi's ("Rita Estate") Co-Administrator Isidro Seman¹, numerous members of the Rogolifoi family, and the Rita Estate attorney, Stephen J. Nutting².

Based on the pleadings on file, a review of the Rita Estate's Motion to Approve the Final Distribution of Property and Funds to Family Corporation pursuant to 8 CMC §§ 2904, 2909 and a review of the Exhibits filed therewith, the Court finds that the assets of Rita Estate are ready for distribution, and that good cause exists to grant Rita Estate's motion to

¹ Maria Ana Omar-Castro is the other Co-Administrator and she was not present.

² Also present was attorney Joseph Horey on behalf of Jun C. Seman, the administrator of the Estate of Enrique Seman, Civil Action No. 14-0143, a sub-estate of the Estate of Pedro Saralu Seman, Civil Action No. 10-0245.

By order of the Court, Judge Joseph N. Camacho

1 transfer all of the assets contained within Rita Estate to a Northern Marianas Descent
2 (“NMD”) Family Corporation, named Rita Corporation, Inc. (“Rita Corporation”).

3 **II. RELEVANT FACTS**

- 4 1. Rita Rogolifoi (“Rita”) was born in 1875.
- 5 2. Rita was a Carolinian woman.
- 6 3. Rita died intestate on or about November 8, 1952. At the time of her death, Rita was
7 a resident and domiciliary of Saipan, Northern Mariana Islands.
- 8 4. Rita had four children: Pedro Saralu Seman, Ana Rogolifoi, Carmen Rogolifoi, and
9 Dolores Rogolifoi Saralu.
- 10 5. On February 20, 2003, the Rita Estate probate was opened.
- 11 6. The Office of the Attorney General initiated an action to quiet title in *The Board of the*
12 *Marianas Public Lands Authority v. Heirs of Rita Rogolifoi*, Civil Action No. 05-0197.
13 The Court ruled in favor of the Rita Estate, and the Rita Estate received a judgment of
14 \$2,344,566.64 for the unlawful taking of lands and other damages by the CNMI
15 Government.
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- 17 7. The Rita Estate continues to receive rental payments from three commercial leases
18 located on Lot 630NEW.
- 19 8. As of the issuance of this Order, Rita has sixty-nine living descendants within four
20 separate family branches through the four sub-estates: The Estate of Pedro Saralu
21 Seman (Civil Action No. 10-0245); the Estate of Ana Rogolifoi (Civil Action No. 09-
22 0362); the Estate of Carmen Rogolifoi (Civil Action No. 09-0376); and the Estate of
23 Dolores Rogolifoi Saralu (Civil Action No. 09-0363). To avoid confusion, only these
24 four sub-estates are the immediate “heirs” of Rita Estate since these four sub-estates
25 are in the position to inherit from Rita Estate. For purposes of this Order, when the
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1 Court uses the term “descendants” the Court is referring to the current living
2 descendants of Rita Rogolifoi.

3 9. On October 2, 2024, Rita Corporation was formed by the descendants of Rita
4 Rogolifoi.

5 10. On October 2, 2024, Rita Estate filed a Motion to Approve Distribution to the Rita
6 Corporation. Nine Exhibits were filed with this Motion:

7 a. Exhibit 1: An approval form signed by five descendants of Pedro Saralu Seman
8 consenting to the distribution of all the property, funds, assets, and claims of
9 Rita Estate to Rita Corporation.

10 b. Exhibit 2: An approval form signed by twenty-nine descendants of Ana
11 Rogolifoi consenting to the distribution of all the property, funds, assets, and
12 claims of Rita Estate to Rita Corporation.

13 c. Exhibit 3: An approval form signed by five descendants of Carmen Rogolifoi
14 consenting to the distribution of all the property, funds, assets, and claims of
15 Rita Estate to Rita Corporation.

16 d. Exhibit 4: An approval form signed by eight descendants of Dolores Rogolifoi
17 Saralu consenting to the distribution of all the property, funds, assets, and
18 claims of Rita Estate to Rita Corporation.

19 e. Exhibit 5: The Articles of Incorporation for Rita Corporation.

20 f. Exhibit 6: The Bylaws of Rita Corporation.

21 g. Exhibit 7: A Certificate of Incorporation for Rita Corporation.

22 h. Exhibit 8: Accounting of Liquid Assets Held in Trust.

23 i. Exhibit 9: The Listing and Computation of Shareholders’ Holdings in Rita
24 Corporation.
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1 11. On October 3, 2024, the Court held a hearing on the Motion to Approve Distribution
2 to the Family Corporation.

3 **III.LEGAL STANDARD**

4 Local customary laws are recognized and given the “full force and effect of law” if
5 they do not conflict with other laws. *See Rogolifoi v. Rogolifoi*, 2024 MP 4 ¶ 40 (citing 1 TTC
6 § 102). CNMI law on Carolinian custom expressly provides that “[u]nless the family consents
7 or agrees otherwise, family land passes to a new customary trustee[.]” *See* 8 CMC § 2904(a).
8 Normally, “the eldest woman in a Carolinian family would serve as the trustee for property
9 collectively held by the women of the family.” *Rogolifoi v. Rogolifoi*, ¶ 18 (citing *Estate of*
10 *Rangamar*, 4 NMI 72, 76 n.12 (1993)).

12 CNMI law also permits deviation from Carolinian custom with the consent or
13 agreement of the family. “Unless the family consents or agrees otherwise, the requirement in
14 this law that all of the members of the family with title to or use rights in the land consent is
15 met if the customary trustee and his surviving brothers and sisters’ consent.” 8 CMC § 2909.
16 The statute goes on to state that, “the children, if any, of a dead brother or sister of the
17 customary trustee may exercise the consent rights of the decedent.” 8 CMC § 2909. “The
18 children shall determine by majority consent/vote among themselves if consent will be
19 granted.” *Id.*

21 **IV.INVENTORY OF ASSETS AND LIABILITIES**

22 **1. Rita Estate’s Assets**

23 On August 31, 2024, a final inventory of the Rita Estate was filed. The assets are as
24 follows:

25 A. E.A. 114NEW, located in Puerto Rico, Saipan, as shown in the Parcel Survey Plat
26 of E.A. 114NEW that was filed and recorded with the CNMI Recorder’s Office as File No.
11-1072 on June 22, 2011, subdividing E.A. 114 into five separate plots:

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1. E.A. 114-5 (6,376 sq.m.) (slated to be transferred to the Estate of Ana Rogolifoi).
2. E.A. 114-R2 (6,356 sq.m.) (slated to be transferred to the Estate of Dolores Rogolifoi Saralu).
3. E.A. 114-4 (6,376 sq.m.) (slated to be transferred to the Estate of Pedro Saralu Seman).
4. E.A. 114-3 (6,319 sq.m.) (slated to be transferred to the Estate of Carmen Rogolifoi).
5. Remainder interest in Lot E.A. 114 containing an area of 4,094 sq.m. more or less, and the improvements erected thereon to remain with the Rita Estate.

All as shown on the Parcel Survey Plat of E.A. 114 filed with the Commonwealth Recorder as File No. 17-0177 on January 25, 2017.

B. Lot 630NEW, located at As Mahetog, Saipan, as shown in the Parcel Survey Plat of Lot 630NEW that was filed and recorded with the CNMI Recorder's Office as File No. 14-2008 on December 11, 2014, that subdivided Part of Lot 630 and Lot 616 (TD 667) into four plots as follows:

1. LOT 630NEW-1 (5,189 sq.m.) (slated to be transferred to the Estate of Pedro Saralu Seman).
2. LOT 630NEW-2 (5,189 sq.m.) (slated to be transferred to the Estate of Carmen Rogolifoi).
3. LOT 630NEW-3 (5,189 sq.m.) (slated to be transferred to the Estate of Dolores Rogolifoi Saralu).
4. LOT 630NEW-R1 (5,189 sq.m.) (slated to be transferred to the Estate of Ana Rogolifoi).

C. Remainder interest in Lot 630NEW (formerly part of T.D. 667) located in As Mahetog containing an area of 7,982 sq.m. more or less to remain with the Rita Corporation.

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D. Presently there are three properties leased to commercial enterprises located in lower base identified as follows:

1. SAIPAN ICE, INC. on Lot 065 E 01.
2. COMMERCIAL TRADING, INC. (dba "Water Company) on Lot 065 E 02; and
3. IT&E on Lot 014 E 01.

Each of these leases is now located and encompassed within Lot 630 NEW. Rita Estate has funds from its real estate leases and funds held in trust from businesses located on Lot E.A. 114 as follows:

1. Balance of Judgment Entered in Civil Action No. 03-0079:	\$1,873,504.00
2. Rental Income Received from Properties leased in Lower Base:	\$ 354,627.36
3. Interest Earned on the Account	\$ 60,656.49
TOTAL	\$ 2,288,787.85

These funds have been deposited into the Client Trust Account of the Law Offices of Stephen J. Nutting, and are ready for final distribution.

2. Rita Estate's Liabilities

The claims by the Estate of Micaria Rogolifoi, Civil Action No 07-0225, and the Estate of Sylvestre Rogolifoi, Civil Action 18-0121, have been dismissed. Rita Estate's former attorney Brien Sers Nicholas filed a claim against Rita Estate for attorney's fees and was awarded \$99,256.76. The attorney fees for Stephen J. Nutting have been addressed in a separate order. See Order Finding the Request to Increase Attorney's Hourly Rate from \$250 to \$325 Reasonable Pursuant to Model Rules of Professional Conduct 1.5 (NMI Super. Ct. Feb. 06, 2025). No claims, liabilities, or obligations are filed or pending against the Rita Estate.

V. DISCUSSION

Consent of the Majority of Family Members as Required by 8 CMC § 2909

The current request for distribution relates to Carolinian customs regarding land ownership and rights. “Commonwealth Courts presume that land originally owned by a Carolinian is Carolinian family land in accordance with Carolinian custom.”³ *Estate of Antonio Pua*, Civil Case No. 19-0015 (NMI Super. Ct. Nov. 5, 2021) (Order Denying Request to Approve Partition of Carolinian Family Land by Quitclaim Deed as Edward Atalig Pua failed to get the Consent or Agreement of the Family Pursuant to 8 CMC Section 2909 at 18) (citing *In re Estate of Lairopi*, 2002 MP 10 ¶¶ 10-13); *See also In re Estate of Rangamar*, 4 NMI 72.

Rita was a Carolinian woman who died intestate in 1952. None of Rita’s children are still living and there is no appointed customary trustee. The heirs of Rita Estate consist of four separate branches, namely: (1) the Estate of Pedro Saralu Seman; (2) the Estate of Ana Rogolifoi; (3) the Estate of Carmen Rogolifoi; (4) and the Estate of Dolores Rogolifoi Saralu. The descendants of Rita have “agreed and consented” to the creation of a lawful NMD Family Corporation incorporated as Rita Corporation. The Articles of Incorporation, the Corporate Bylaws, and the Certificate of Incorporation were all submitted to establish its valid corporate existence. Certain descendants are requesting the transfer of all the assets contained within the Rita Estate to the Rita Corporation.

In the *Estate of Antonio Pua*, Edward Pua executed a Quitclaim Deed before opening the probate action for Antonio Pua. *See Estate of Antonio Pua*, at 3. Edward Pua later became the administrator for the Estate of Antonio Pua and filed a motion to seek the court’s approval and ratify the Quitclaim Deed. *See Id.* at 4. Edward Pua failed to obtain a majority consent of

³ Rita Rogolifoi’s lands are Carolinian Family Land. *See Rogolifoi v. Rogolifoi*, 2024 MP 4.

1 the family members who held title or use rights to the Carolinian Family Land. *See Id.* at 11.
2 Edward Pua did not consult with all the family members, did not receive affirmative consent
3 to depart from Carolinian custom, and thus did not meet the requirements of 8 CMC § 2909.
4 *See Id.* at 11-12.

5 Here, during the October 3, 2024 hearing, no descendants orally opposed the transfer
6 of Rita Estate's assets to Rita Corporation. The Co-Administrators provided original copies
7 of forms distributed to the descendants, confirming their consent and approval for transferring
8 all assets and liabilities associated with the Rita Estate to Rita Corporation. *See Exhibits 1-4.*
9 The forms reflected that there are sixty-nine total living descendants of Rita within the four
10 branches. Forty-seven descendants signed and consented to the transfer. The twenty-two
11 remaining descendants did not sign.

12 Five out of eight descendants of Pedro Saralu Seman signed and consented. *See*
13 *Exhibit 1.* Twenty-nine out of thirty-four descendants of Ana Rogolifoi signed and consented.
14 *See Exhibit 2.* All five descendants of Carmen Rogolifoi signed and consented. *See Exhibit 3.*
15 Finally, eight out of twenty-two descendants of Dolores Rogolifoi Saralu signed and
16 consented. *See Exhibit 4.*

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18 In *In re Mariano Taroligai Lisua*, the descendants of Mariano Taroligai Lisua also
19 wished to distribute the Carolinian Family Land in a manner that departed from Carolinian
20 custom, and the descendants entered into a written agreement referred to as the Stipulation of
21 Heirs. *See In re Mariano Taroligai Lisua*, Civil Case No. 20-0273 (NMI Super. Ct. Aug. 16,
22 2021) (Order Granting Petition to Depart from Carolinian Custom and Distribute the Family
23 Land Based on the Family's Consent and Agreement Pursuant to 8 CMC Section 2909 at 19).
24 The Court accepted the Stipulation of Heirs as a representation of the majority consent
25 requirement of 8 CMC § 2909. *See Id.* at 20.
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1 Here, the Co-Administrators have presented sufficient evidence to show that a
2 majority of the living descendants of Rita Rogolifoi have consented to the transfer of all the
3 property, funds, assets, and claims of Rita Estate to Rita Corporation.

4 **FINAL ORDER OF DISTRIBUTION AND CLOSURE OF THE ESTATE**

5 Based on the foregoing, and good cause shown, **IT IS HEREBY ORDERED,**
6 **ADJUDGED, AND DECREED:**

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- 8 1. The Co-Administrators shall prepare and execute an Administrator's Deed on
9 behalf of the Estate of Rita Rogolifoi to transfer all the real properties identified
10 herein to Rita Corporation, Inc. a Northern Marianas Descent Family Corporation
11 as the lawful Grantee and title holder. Thereafter, the Board of Directors of Rita
12 Corporation, Inc. may sell, transfer, lease, and convey, those properties as it deems
13 in the best interest of the Rita Corporation, Inc. and its shareholders.
 - 14 2. All of the liquid assets contained within the Estate of Rita Rogolifoi and presently
15 held in trust with the Law Offices of Stephen J. Nutting are hereby declared to be
16 assets of Rita Corporation Inc., and shall be transferred to the Rita Corporation,
17 Inc. to be saved, invested, distributed as dividends to the shareholder, or otherwise
18 utilized as the Board of Directors directs and deems fit and in the best interests of
19 the Rita Corporation, Inc. and its shareholders.
 - 20 3. The Estate of Rita Rogolifoi has possible land compensation claims against the
21 CNMI Government and the Department of Public Lands for the taking of certain
22 property of the Estate of Rita Rogolifoi for a public roadway across Lot 629 in
23 Puerto Rico. The right to bring and file any and all such claims shall be transferred
24 to Rita Corporation, Inc.
 - 25 4. The Co-Administrators' acts in the administration of the Estate of Rita Rogolifoi
26 previously undertaken are hereby deemed approved and ratified.

1 5. With this Decree of Final Distribution there is no further business or property
2 contained within the Estate of Rita Rogolifoi, and the Estate of Rita Rogolifoi is
3 hereby closed. The Co-Administrators shall close any and all accounts held in the
4 name of Rita Rogolifoi, or the name of the Estate of Rita Rogolifoi, and shall
5 transfer the funds or assets to Rita Corporation, Inc. The Co-Administrators are
6 hereby relieved and discharged of any further obligations and duties related to the
7 Estate of Rita Rogolifoi.
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10 **SO ORDERED** this 6th day of February, 2025.

11 /s/
12 **JOSEPH N. CAMACHO**, Associate Judge
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