

IN THE
SUPREME COURT
OF THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

IN RE THE ESTATE OF MARIA MANGABAO,
Deceased.

SUPREME COURT NO. 2018-SCC-0002-CIV
SUPERIOR COURT NO. 03-0021

OPINION

Cite as: 2019 MP 13

Decided December 26, 2019

Charity R. Hodson, Saipan, MP, for Appellant.

BEFORE: ALEXANDRO C. CASTRO, Chief Justice; JOHN A. MANGLOÑA, Associate Justice; PERRY B. INOS, Associate Justice.

CASTRO, C.J.:

¶ 1 Appellant Julia S. Seman (“Seman”) appeals the trial court’s Decree of Final Distribution in *In the Matter of the Estate of Maria Mangabao*. During the final distribution hearing, Seman orally objected, alleging half of the Estate of Maria Mangabao’s (“Estate”) assets belonged to her great-grandmother. The court denied the oral objection, ruling it untimely. Seman raises two claims: (1) her great-grandmother owns half of the Estate’s assets; and (2) because of this, the court erred in finding the objection untimely. For the following reasons, we AFFIRM the Decree of Final Distribution.

I. FACTS AND PROCEDURAL HISTORY

¶ 2 In 2003, the Estate was opened for probate. *See In Re Estate of Maria Mangabao*, Civ. No. 03-0021D (NMI Super. Ct. Jan. 14, 2003) (Petition). The only assets were proceeds from a 1993 Commonwealth taking of parcels of property once belonging to Maria Mangabao (“decedent”), litigated separately and resulting in a judgment of approximately \$19,000,000. Seman did not intervene in the taking litigation.

¶ 3 In 2017, the court heard the Petition for Decree of Final Distribution. Seman, unrepresented by counsel, appeared and objected to the final distribution, asserting a claim that half of the Estate’s assets belonged to her great-grandmother. She explained she had previously sent letters to the Superior Court, the Supreme Court, and the Estate’s Administrator and attorneys indicating her intent to file a claim. The Administrator’s counsel knew of her claim and asserted that Seman, as a descendant of the decedent’s sister, was not an heir, the heirship determination had been entered, and the respective notice period had passed. Because the decedent had issue, counsel argued there was no need to distribute any property to the decedent’s sister’s descendants. The court then denied Seman’s claim, concluding that “she sat on her rights much, much too long.” Tr. 10. The court entered the Decree of Final Distribution, distributing the property to the Estate’s heirs.

¶ 4 Seman appeals the Decree of Final Distribution.

II. JURISDICTION

¶ 5 We have appellate jurisdiction over final judgments and orders of the Commonwealth Superior Court. NMI CONST. art. IV, § 3.

III. STANDARDS OF REVIEW

¶ 6 While Seman argues two issues concerning statute of limitations and laches, we address a different one: whether she proceeded properly in orally objecting at the hearing to assert a claim on behalf of her great-grandmother. We review procedural issues in the probate context for an abuse of discretion. *See, e.g., In Re the Estate of Malite*, 2011 MP 4 ¶ 36 (reviewing admissibility of evidence for an abuse of discretion); *see also In Re Estate of Barcinas*, 4 NMI

149, 151 (1994) (reviewing whether the trial court erred in failing to hold a new trial on remand for an abuse of discretion).

IV. DISCUSSION

¶ 7 Seman argues laches does not bar, and the potential statutes of limitations do not apply to, her assertion of the claim to half the Estate's assets. These arguments, however, are inconsequential since Seman did not properly proceed through the probate process.¹

¶ 8 During the final distribution hearing, Seman responded to a call for objections. Our jurisprudence discusses, and probate procedure usually requires, an opposition or objection to be filed for probate issues such as these. *See, e.g., In Re Estate of Lairopi*, 2002 MP 10 ¶ 5; *see also Castro v. Castro*, 2 NMI 335, 336 (1991); *In Re Estate of Teresa Mueilemar*, 1 NMI 441, 442–43 (1990). By filing a written notice of objection, the party allows the probate court time to carefully consider crucial issues, such as heirship or whether property is properly included in the estate inventory. Oral objections that may substantially affect the estate increase the risk of hasty decision-making and oversight of important legal determinations and procedures. Here, that risk was especially apparent. Seman orally objected because she alleges her great-grandmother owned half of the proceeds in the Estate, a claim of several million dollars. Opening Br. 5. It is these types of substantial claims, when made orally, that are subject to misinterpretation and mistake. The proper procedure should include filing a notice of objection or claim rather than an oral objection at the final distribution hearing, twenty years after the taking litigation was initiated and fourteen years after the probate action commenced.

¶ 9 Seman's claim also implicates the mechanics of the Commonwealth's probate process. She contends her great-grandmother and Maria Mangabao each owned half of the property taken by the government, and consequently half of the taking proceeds belong to her great-grandmother. Our probate law defines "claims" as "in respect to estates of decedents, includ[ing] liability 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." 8 CMC § 2107(d). Here, to assert a claim, Seman must present a liability "arising . . . otherwise" against the decedent. Presumably, that liability would be Seman's claim asserting ownership as heir to the property. In order for that liability to exist, Seman's great-grandmother's estate, and each successive estate, would need to be probated and Seman would need to be determined an heir with claim to the proceeds. Without following this process, there is no liability to constitute a "claim" Seman can bring against the Estate.

¶ 10 Seman must have a claim to have standing to object, intervene in, or file suit against the Estate. Standing is "a concept utilized to determine if a party is

¹ The Estate did not file a response or a notice of appearance as an opposing party pursuant to NMI Supreme Court Rule 3-1(b).

sufficiently affected so as to insure that a justiciable controversy is presented to the court.” *Malite v. Tudela*, 2007 MP 3 ¶ 33 (quoting *Falcon v. McCue*, 2005 MP 7 ¶ 34). A justiciable controversy consists of an actual injury traceable to the challenged action and redressed by a favorable decision. *Id.* To prove standing in the probate context, an appellant must demonstrate an interest, even a speculative one, that could be affected by the outcome of the case. *Id.* ¶ 35. Our probate code specifically addresses who may have an interest in its definition of an “interested person,” which “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.*” 8 CMC § 2107(p) (emphasis added); *see also Malite*, 2007 MP 3 ¶ 36. We have already discussed that Seman cannot yet possess a claim. Without such a claim, she cannot be an interested person with standing to challenge the Decree of the Final Distribution. We therefore find Seman lacks standing to assert her claim.

¶ 11 To properly proceed with this assertion, the following steps must occur. First, to verify Seman’s property interest, her great-grandmother’s estate must be probated.² *See* 8 CMC §§ 2901, 2922. Doing so will elicit a determination of whether her great-grandmother had an interest in the property. Next, Seman’s great-grandmother’s deceased descendants’ estates should be probated, including those of Seman’s grandmother and mother. *Id.* § 2922. If it is determined title to the property has passed through these estates, she must request a determination that she is an heir. *See* NMI R. PROB. P. 17. If determined to be an heir, she must then file a direct suit against the Estate to quiet title. *See In re Estate of De Castro*, 2009 MP 3 ¶ 6; *Rosario v. Camacho*, 2001 MP 3 ¶¶ 48–53 (“If the property was not part of [decedent]’s estate, then the probate court had no jurisdiction over it.”); *Estate of De Leon Guerrero v. Quitugua*, 6 NMI 67, 70 (2000) (“[P]robate courts do not resolve challenges by third parties to the ownership of a decedent’s real property. The appropriate vehicle for recovery of real property is an independent quiet title action.”); *Piteg v. Piteg*, 2000 MP 3 ¶ 13 (“While a decree of distribution is conclusive as to the rights of heirs, legatees, or devisees, insofar as they claim in such capacities, it does not determine that the deceased had any title to the property distributed; nor does it bind third persons who claim an interest adverse to that of the intestate or testator.”); *see also Estate of Faisao v. Tenorio*, 4 NMI 260, 262–63 (1995).

¶ 12 But a third party cannot assert a claim to property alleged to be rightfully theirs without a determination that he or she is an heir possessing an interest in the property. Here, no determination about the property at issue, accounting for Seman’s great-grandmother’s claim of ownership, has been made. To determine

² Alternatively, Seman could have intervened in the 1993 taking lawsuit to assert her claim, compelling the court to consider her great-grandmother’s potential ownership of the land.

whether her great-grandmother owned the property, her great-grandmother's estate must be probated. Seman must therefore begin with that step.

V. CONCLUSION

¶ 13 For the foregoing reasons, we AFFIRM the court's Decree of Final Distribution.

SO ORDERED this 26th day of December, 2019.

/s/

ALEXANDRO C. CASTRO
Chief Justice

/s/

JOHN A. MANGLOÑA
Associate Justice

/s/

PERRY B. INOS
Associate Justice