

Gregorio, she breached her fiduciary responsibility to the heirs of Dolores Palacios and should be held accountable for the funds not paid over to the heirs.

A review of the pertinent portions of the testimony in this matter reveals that the Trial Court committed no error. This Court will not reweigh the evidence. It found that the appellee did not accept any fiduciary responsibility for the checks as she did not have knowledge of the purpose of the checks nor who was entitled to the proceeds. This finding will not be disturbed.

The Judgment of the Trial Court is **AFFIRMED**.

LANILON KONOU, Plaintiff-Appellant

v.

MO JITIAM and CHIHAYA ANMONTA, Defendants-Appellees

Civil Appeal No. 210

Appellate Division of the High Court

Marshall Islands District

November 30, 1978

Plaintiff appealed judgment against him. The Appellate Division of the High Court, Hefner, Associate Justice, affirmed.

Real Property—Damages—Right to

Person awarded money for damage to or use of property occurring prior to 1951, who admitted he had no rights in the property in 1951, and who gained no rights in the property until 1956, was not entitled to share in the award. 50 U.S.C. App. §§ 2020-2020b.

Counsel for Appellant: JOSEPH L. HESLY
Counsel for Appellee: BILIMON AMRAM

Before HEFNER, *Associate Justice*, NAKAMURA, *Associate Justice*, and GIANOTTI, *Associate Justice*

HEFNER, *Associate Justice*

The crucial facts in this case were not disputed before the Trial Division of the High Court.

In decision No. 5505, the Micronesian Claims Commission made two awards to Lanilon Konou "as the Representative of the Owners of Laukjek (and Loubaj) *Weto*, Rairok Island, Majuro Atoll." The checks were received by Konou who delivered the proceeds to his *Iroi* Erik Mo Jitiam. However, no funds have been paid back to Konou who claims the *alab* and *dri jermal* rights in the two *wetos*.

After a Master's hearing, it was found that Konou was given permission by *Iroi* Mo Jitiam to live and work on the land in question in 1956. Konou admits that he had no rights in the *wetos* in 1951, the last year covered by the Micronesian Claims Commission award.

The Trial Division of the High Court held that since Konou had no rights in the land prior to 1956, and that the Claims Commission award was only up to 1951, Konou was not entitled to share in the award except to the extent *Iroi* Mo Jitiam deemed reasonable and appropriate.

The two awards in question in this case were granted under Title II of the Micronesian Claims Act of 1971. 50 U.S.C. Appx 2020-2020b. These awards were for damage and use of property of Micronesians after the islands were secured from the Japanese military forces. However, the accident or incident claimed must have occurred prior to July 1, 1951. T50AP § 2020.

Since the appellant had no property interest prior to July 1, 1951, he has no claim to the awards.

We affirm.