

been stated that the determination of the trier of fact of estoppel is binding on appeal unless the contrary conclusion is the only one that can reasonably be drawn from the evidence. *Mehl v. People Ex. Rel. Department of Public Works*, 532 P.2d 489, 119 Cal. Rptr. 625 (1975). Furthermore, trial court findings are not to be set aside unless there is manifest error or the findings are clearly erroneous. *Trust Territory v. Lopez*, 7 T.T.R. 449 (App. Div. 1976).

[6] It is apparent from the record that the trial court's findings regarding estoppel are not clearly erroneous or that a contrary conclusion is the only one that can reasonably be drawn from the evidence. Therefore, we sustain the trial court's findings regarding the issue of estoppel.

Accordingly, the trial court's conclusion regarding the finality of Micronesian Claims Commission awards is reversed and the case is remanded for further hearing on the issue of a *partida* consistent with this opinion.

REVERSED AND REMANDED.

KADARIHNA SULDAN, Plaintiff-Appellant

v.

TOBIAS ETNOLD, Defendant-Appellee

Civil Appeal No. 281

Appellate Division of the High Court

Ponape District

October 29, 1982

Appeal. The Appellate Division of the High Court, Nakamura, Associate Justice, remanded for a new trial where transcript of trial was unavailable.

Appeal and Error—Record on Review—Adequacy

On appeal of trial court judgment, where court reporter could not prepare the transcript of the trial, the case was remanded for a new trial.

NAKAMURA, *Associate Justice*

On October 17, 1978, the Trial Division of the High Court entered judgment in favor of the defendant. Plaintiff filed a timely appeal to the Appellate Division.

Unfortunately, it appears to the Court that the court reporter who took the trial proceedings cannot prepare the transcript. Therefore,

IT IS ORDERED that the above-captioned civil action be and it hereby is REMANDED to the Trial Division of the High Court for a new trial.

NICOLASA BABAUTA CAMACHO, Plaintiff-Appellee

v.

JUAN PUA NAOG, et al., Defendants-Appellants

Civil Appeal Nos. 199 & 227

Appellate Division of the High Court

Northern Mariana Islands District

November 10, 1982

Motion for reconsideration of Appellate Division's earlier opinion concluding that Trial Court lacked jurisdiction to rule on motion for relief from judgment filed after a timely notice of appeal to the Appellate Division. The Appellate Division of the High Court, Gianotti, Associate Justice, held that the Trial Division has jurisdiction to decide a motion for relief from judgment filed after a timely noticed appeal to the Appellate Division, and may adjudicate the motion without applying to the Appellate Division for a remand, and therefore the Appellate Division's prior decision was vacated.

1. Courts—Jurisdiction—Filing Notice of Appeal

A trial court generally loses jurisdiction to act on the merits of a case after a notice of appeal is timely filed.

2. Civil Procedure—Motion for Relief From Judgment

A motion for relief from judgment is not a vehicle for relitigating the merits. (Rules Civil Proc. 48(a))

3. Civil Procedure—Motion for Relief From Judgment

In a civil case, a motion for relief from judgment does not affect the finality of the judgment appealed from. (Rules Civil Proc. 48(a))