

TITLE 2: NATURAL RESOURCES
DIVISION 4: LAND RESOURCES

§ 4242. Settlement of Disputed Claims.

(a) Each land registration team shall endeavor to adjudicate the claims to as much land within the area for which it is responsible as is practicable within a year after that area has been designated. It shall endeavor to avoid becoming involved in such lengthy consideration of disputed claims as will seriously interfere with such adjudication.

(b) If the land registration team deems that consideration of a disputed claim will seriously interfere with accomplishment of the purpose of this chapter, it may refer the claim to the Senior Land Commissioner without the team making any decision thereon.

(c) If the Senior Land Commissioner deems that one of the teams is spending an undesirable amount of time on a particular disputed claim, the Senior Land Commissioner may withdraw that claim from consideration by the team.

(d) In either of the situations set forth in subsections (b) and (c) of this section, the team shall submit to the Senior Land Commissioner its record concerning the claim including the tape recordings or summaries of all pertinent testimony, if any, taken by the team. The Senior Land Commissioner may then:

(1) Proceed personally to hear the parties and witnesses and make a determination on the claim based on both the testimony, if any, taken by the team and that taken by the deputy land commissioner;

(2) Refer the claim to the Commonwealth Trial Court for adjudication without any determination by the deputy land commissioner.

(e) If a claim has been referred by the Senior Land Commissioner to the Commonwealth Trial Court without any determination by the deputy land commissioner, the Commonwealth Trial Court may, upon the petition of one or more claimants, entertain a quiet title or other appropriate action. After the time for appeal from the court's decision has expired without any notice of appeal having been filed or after an appeal duly taken has been determined, the court shall certify its decision, as modified by the Appellate Division if that has happened, and cause its decision to be recorded with the Recorder.

Source: PL 3-79, § 11.

Commission Comment: With respect to the references to the "Senior Land Commissioner," see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to 1 CMC § 2001; see also the comment to 2 CMC § 4212.

Section 4 of PL 6-25, the "Commonwealth Judicial Reorganization Act of 1989," provides that "[w]herever the term 'Commonwealth Trial Court' appears in the Commonwealth Code, it is henceforth to be interpreted and understood to refer to the Commonwealth Superior Court."