

**TITLE 8: FAMILY LAW AND PROBATE**  
**DIVISION 2: PROBATE LAW AND PROCEDURE**

**§ 2905. Carolinian Custom: All Other Lands.**

(a) Unless the family consents or agrees otherwise, or unless indicated by a will, if the father predeceases the mother, or if the mother predeceases the father, all of the lands brought into the family by him or her pass to a customary trustee to be held as family land in the following manner:

(1) If the decedent is without issue at the time of death, to the mother or father in fee simple and not as customary trustee.

(2) If the decedent has surviving children, to the mother or father an estate for life as customary trustee, with the remainder to the oldest surviving daughter as customary trustee for the family;

(3) If there are no surviving daughters of the decedent, the title remainder passes to the oldest surviving son;

(4) If there are no surviving children of the decedent, but there are surviving grandchildren, the title remainder passes to the oldest surviving granddaughter;

(5) If there are no such persons, the title remainder passes to the oldest surviving grandson and, if none, to any other surviving issue.

(b) If the decedent is unmarried and without issue at the time of death, title passes to his oldest surviving sister, and, if none, to his oldest surviving brother. If there are no such persons, title passes to the oldest surviving daughter of the decedent's siblings and, if none, to the oldest surviving son of the decedent's siblings.

(c) If the decedent is unmarried but with issue, the land passes as in subsection (a)(2) through (5) of this section, except the mother or father never takes an interest in the land.

(d) Unless the family consents or agrees otherwise, lands passed pursuant to subsections (a)(2) through (5), (b), and (c) of this section become family lands and shall not be passed on by will, devised, sold, leased, exchanged, mortgaged, partitioned, or otherwise disposed of by the customary trustee.

**Source:** PL 3-106, ch. 9, § 5.

**Commission Comment:** See the comment to 8 CMC § 2902.