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IN THE SUPERIOR COURT
FOR THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

IN THE MATTER OF THE ESTATE OF) CIVIL ACTION NO. 02-0212
)
FRANCISCO DIAZ TORRES,) **ORDER GRANTING**
) **LETTERS OF ADMINISTRATION**
Deceased.)
_____)

I. PROCEDURAL BACKGROUND

This matter came before the Court for a hearing on May 14, 2002, in Courtroom 217. Bruce L. Mailman, Esq. appeared for the Petitioner, Judith Torres Fagin, residing at 241 Bancroft Avenue, #208, San Leandro, California. Petitioner requests that the Court issue Letters of Administration naming herself as executor of her father, Francisco Diaz Torres' estate situated in the Commonwealth of the Northern Mariana Islands. The Court, having heard the arguments of counsel and being fully informed of the premises now renders its written decision.

II. RULING

Commonwealth Rules of Probate Procedures 14 clearly states that, "[a]ny person who is a *resident* of the Commonwealth and over 18 years of age may petition for Letters of

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1 Administration." See Com. R. Pro. P. 14 (emphasis added). The purpose of this rule is "the expeditious
2 handling of probate matters and the nominal expense to the estate being probated." See *In re Estate of*
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4 *Barcinas*, 2 N.M.I. 437, 448 (1992). The Court wants to assure that the Petitioner will be subject to
5 the jurisdiction of the Commonwealth Court in the event that an appearance is required.

6 There are, however, circumstances in which the court may permit a non-resident to be issued
7 Letters of Administration. *Id.* at 448. Such other circumstances the court may consider in granting
8 Letters of Administration to a non-resident are: the number of potential beneficiaries of the estate, the
9 anticipated complexity of the probate proceeding, the probable necessity of an appearance by the
10 administrator during the course of proceeding, and the administrative expense to the estate.
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12 Here, the petition asserts that decedent's spouse and two other children have predeceased him
13 leaving her as the only surviving child. The decedent also has one surviving grandchild. It may be that
14 Petitioner is the person best able to protect the estate's interest in probate, as it may be difficult for
15 Petitioner to find a suitable administrator when she has lost significant contact with the CNMI. The
16 petition also states that the entire estate consists of Lot 1895 NEW-R1, and there are no known
17 unsatisfied debts of the decedent.
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20 Considering the factors above, the Court hereby GRANTS the Petition for Letters of
21 Administration, on the condition that Petitioner MUST appear at the final distribution of this matter, and
22 with the further understanding that Petitioner must be available if, and when, the Court would
23 necessitate Petitioner's appearance during the course of the probate proceedings. Petitioner shall have
24 70 days to file an inventory of the estate, and within 120 days Petitioner shall file the final distribution.
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27 It is ORDERED that JUDITH TORRES FAGIN is hereby appointed administrator of the estate
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1 of FRANCISCO DIAZ TORRES, deceased, that Letters of Administration on the estate of the
2 decedent be issued to Petitioner upon taking the oath. The administrator is hereby invested with all
3 powers and authority necessary to the discharge of her duties as such.
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6 So ORDERED this 7th day of June, 2002.
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10 /s/ Juan T. Lizama
11 JUAN T. LIZAMA, Associate Judge
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