



By Order of the Court, Judge Joseph N. Camacho

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

PEDRO PANGELINAN TENORIO,	)	CIVIL ACTION NO. 15-0101
)	
Plaintiff,	)	ORDER DENYING DEFENDANTS’
	)	MOTION TO SET ASIDE ENTRY OF
v.	)	DEFAULT AS DEFENDANTS WERE
	)	PROPERLY SERVED PURSUANT TO
ANTONIO SALAS CAMACHO and	)	7 § CMC 1104, THEREFORE
ELPHIDIA PANGELINAN CAMACHO,	)	PLAINTIFF’S MOTION FOR DEFAULT
	)	JUDGMENT IS GRANTED, WHICH
Defendants.	)	QUIETS TITLE IN FAVOR OF
	)	PLAINTIFF
)	

I. INTRODUCTION

This matter came before the Court for an Evidentiary Hearing on November 14, 2017 at 1:30 p.m. in Courtroom 220A. Plaintiff Pedro Pangelinan Tenorio (“Tenorio”) was represented by Attorney Michael Dotts. The Defendants, Antonio Salas Camacho, and Elphidia Pangelinan Camacho, were represented by Attorney Joaquin DLG Torres. The Court heard arguments on two motions: Tenorio’s renewed motion for default judgment, and the Defendants’ motion to set aside entry of default pursuant to 7 CMC § 1304.

Based on a review of the filings, oral arguments, and applicable law, the Court makes the following order.

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1 **II. BACKGROUND**

2 This matter involves a dispute over two competing deeds issued by Benigno Kaipat for
3 Tract 21700 AH 412 (“the Property”). The Defendants purportedly hold a deed executed by Mr.
4 Kaipat on August 28, 1967 and recorded seventeen years later on January 3, 1984. Tenorio
5 purportedly holds a deed executed by Mr. Kaipat on March 22, 1972 and recorded thirteen days
6 later on April 4, 1972. Tenorio filed a petition to quiet title on May 22, 2015.

7 This order concerns whether the Defendants were properly served with the petition to quiet
8 title. Whether the Defendants were properly served determines whether the entry of default dated
9 February 4, 2016 must be set aside, or if a default judgment should be entered on behalf of Tenorio.

10 **A. Attempted Service Upon the Defendants at Their Son’s Residence**

11 Tenorio attempted to serve the Defendants both by personal service at a residence, as well as
12 by publication. At the November 14, 2017 evidentiary hearing, the Court heard testimony from
13 Rainaldo Agulto and Gary Camacho on the issue of whether the Defendants were served at the
14 Defendants’ residence.

15 Mr. Agulto, a process server, testified that he went to the Defendants’ business location at
16 Lower Base, Saipan, and was informed that the Defendants were off-island. Mr. Agulto also went
17 to a house on Capitol Hill, Saipan, to serve the summons and petition on the Defendants. Mr.
18 Agulto knew that this house on Capitol Hill, Saipan, was the Defendants’ residence; however, when
19 Mr. Agulto arrived at the property, the house was abandoned, the yard was overgrown, the property
20 was covered in garbage, and Commonwealth Utilities Corporation (“CUC”) had turned off the
21 utilities.

22 Mr. Agulto knew Gary Camacho, the Defendants’ son, through his work at CUC. Mr.
23 Agulto asked Gary Camacho where his parents were, and Gary Camacho informed Mr. Agulto that
24 the Defendants were off-island receiving medical treatment. Mr. Agulto testified that Gary

1 Camacho told him that Gary Camacho was taking care of the Defendants' things. So, Mr. Agulto
2 served the summons and petition on Gary Camacho at Gary Camacho's residence in Kagman,
3 Saipan. Mr. Agulto then executed two declarations of service as to the Defendants, stating that he
4 had delivered the summons and petition on July 7, 2015 to "Gary Camacho (son) (authorized to
5 receive service)" at the Defendants' "residence in Kagman." Decl. of Service as to Antonio
6 Camacho; Decl. of Service as to Elphidia Camacho. These declarations of service were not filed
7 with the Court until May 19, 2017, attached to Tenorio's opposition to the Defendants' motion to
8 set aside entry of default.¹

9 Gary Camacho testified that the Defendants do not live with him, and that the house belongs
10 to him and his wife. Gary Camacho further testified that he does not usually see his parents, and
11 that he barely communicated with them. Gary Camacho testified that he did not accept documents
12 from Agulto for his parents.

13 **B. Service Upon the Defendants by Publication**

14 On November 18, 2015, Tenorio made a motion for extension of time and leave to serve
15 process by publication pursuant to 7 CMC § 1104(b). Counsel for Tenorio represented to the Court
16 that "Defendants' son accepted the [summons and petition] and disclosed that Defendants were in
17 Guam for medical treatment. He agreed to give the documents to Defendants." Decl. of Michael
18 Dotts in Support of Mot. for Extension at 1. According to Counsel for Tenorio, "Defendants' son is
19 now refusing to cooperate with Plaintiff in serving Defendants. Defendants' son has indicated that
20 his parents relocated outside the Commonwealth, therefore the service on him at what was their
21 residence, was not valid service on them." *Id.* The complaint was served on the Office of the
22 Attorney General. Mot. for Extension at 2. The amended summons in this case was published in

23 ¹ Although Mr. Agulto's declarations of service were not immediately filed with the Court, this does not impact their
24 validity. "Failure to make proof of service does not affect the validity of the service. The court may allow proof of
service to be amended." NMI R. Civ. P. 4(l).

1 The Marianas Variety on December 18, 2015, December 24, 2015, December 31, 2015, and
2 January 8, 2016. Proof of Publication Re: Antonio S. Camacho; Proof of Publication Re: Elphidia
3 P. Camacho.

4 **C. The Present Motions in this Case**

5 On February 1, 2016, Tenorio filed a request for entry of default. The Clerk of Court made
6 an entry of default in this case on February 4, 2016. This matter came before the Court on a default
7 judgment hearing on February 5, 2016. At the February 5, 2016 hearing, Gary Camacho appeared
8 with Attorney Matthew Holley. Mr. Holley requested time to file a motion to set aside the entry of
9 default. Counsel for Tenorio, Mr. Dotts, agreed to this request, and the matter was taken off
10 calendar.

11 On January 16, 2017, Tenorio filed a renewed motion for default judgment. The Defendants
12 filed their opposition on April 21, 2017. Tenorio filed his reply on June 2, 2017.

13 On April 21, 2017, the Defendants filed their motion to set aside entry of default pursuant to
14 7 CMC § 1304. Tenorio filed his opposition on May 19, 2017. The Defendants did not file a reply.

15 Both motions came before the Court on June 6, 2017. Since there was uncertainty over
16 whether the Defendants were personally served, the Court ordered an evidentiary hearing to
17 determine whether the residence in Kagman where the summons and petition were delivered to
18 Gary Camacho was the Defendants' residence. The evidentiary hearing was held on November 14,
19 2017.

20 **III. DISCUSSION**

21 Both Tenorio and the Defendants made motions regarding default in this case. Tenorio filed
22 a renewed motion for default judgment. The Defendants filed a motion to set aside entry of default.
23 The Clerk of Court made an entry of default on February 4, 2016. Procedurally, an entry of default
24

1 is made before a default judgment is entered. *See* NMI R. Civ. P. 55. The Court will first address
2 whether any entry of default should be set aside pursuant to the Defendants’ motion.

3 **A. Validity of the Entry of Default**

4 In their motion to set aside entry of default, the Defendants requested that the February 4,
5 2016 entry of default be set aside pursuant to 7 CMC § 1304.² Section 1304 provides:

6 Any defendant not so personally notified may at any time within one year after final
7 judgment enter an appearance and the court shall thereupon set aside the judgment
8 and permit the defendant to plead, on payment of such costs as the court deems best;
provided, however, that this right does not extend to decrees of annulment, divorce
or adoption.

9 7 CMC § 1304. The Defendants argue that, since they were not properly served in this case, they
10 may make an appearance pursuant to Section 1304. The Defendants further argue that the April 11,
11 2016 Order After Hearing, which granted the Defendants’ request for time to file a motion to set
12 aside the entry of default judgment, entitled them to move that the entry of default be set aside. The
13 Court notes that Section 1304 provides for relief from a final judgment,³ and that in the present case
14 a default judgment has yet to be entered. The procedures provided for in Section 1304 only apply
15 “where any defendant cannot be served within the Commonwealth, or does not voluntarily appear.”
16 7 CMC § 1301.

17
18 ² The Commonwealth Code provides procedures in cases “for annulment, divorce or adoption or to enforce or remove
19 any lien upon or claim to real or personal property within the Commonwealth, or to adjudicate title to any interest in
20 such property” where the defendant “cannot be served within the Commonwealth or does not voluntarily appear.” 7
21 CMC § 1301. The Commonwealth Code allows absent defendants to be served personally “by mailing, postage prepaid,
a copy of the order to the absent defendant at his or her last known address.” 7 CMC § 1302. “If the absent defendant
does not appear or plead within the time allowed, the court may proceed as if the absent defendant has been served with
process within the Commonwealth.” 7 CMC § 1303. The absent defendant, who has not been personally notified of the
judgment, has one year to make an appearance and ask that the court set aside the judgment. 7 CMC § 1304.

22 ³ “A final judgment is one that ends the litigation on the merits and leaves nothing for the court to do but execute the
23 judgment. . . Generally, a final judgment must adjudicate all the rights and liabilities of each party.” *Bank of Guam v.*
24 *Mendiola et al*, 2007 MP 1 ¶ 5 (internal citations and quotation marks omitted). “An entry of default *judgment*
“converts the defendant’s admission of liability into a final judgment that terminates the litigation and awards the
plaintiff any relief to which the court decides it is entitled.” *ANZ Guam, Inc. v. Lizama*, 2014 MP 11 ¶ 14 (quoting *City*
of New York v. Mickalis Pawn Shop, LLC, 645 F.3d 114, 128 (2d Cir. 2011) (emphasis added)). Although an entry of
default has been made by the Clerk of Court, the Court has not entered a default judgment in this case.

1 Defaults and motions to set aside defaults are governed by Commonwealth Rules of Civil
2 Procedure Rules 55 and 60(b). “Grounds for setting aside an entry of default often parallels the
3 grounds for setting aside a default judgment under Rule 20(b). *In re Woodruff*, 2015 MP 11 ¶ 20
4 (citing *Roberto v. De Leon Guerrero*, 4 NMI 295, 297 (1995)) (hereinafter “*Woodruff*”). Under
5 Rule 55(c), “[f]or good cause shown the court may set aside an entry of default and, if a judgment
6 by default has been entered, may likewise set it aside in accordance with Rule 60(b).” NMI R. Civ.
7 P. 55(c). Rule 60(b) provides:

8 On motion and upon such terms as are just, the court may relieve a party or a party's
9 legal representative from a final judgment, order, or proceeding for the following
10 reasons: (1) mistake, inadvertence, surprise, or excusable neglect...(4) the judgment
11 is void.

12 NMI R. Civ. P. 60(b).

13 In *Woodruff*, the Commonwealth Supreme Court outlined a three factor test in determining
14 whether to set aside a default: “(1) whether [the party seeking to set aside the default] engaged in
15 culpable conduct that led to the default; (2) whether [it] had [no] meritorious defense; or (3)
16 whether reopening the default judgment would prejudice the other party.” *Woodruff*, 2015 MP 11 ¶
17 21 (quoting *United States v. Personal Check No. 730*, 615 F.3d 1085, 1091 (9th Cir. 2010)
18 (brackets in original).

19 In cases where the default judgment is *void* due to lack of service, the Court has “no
20 discretion in determining whether to set the judgment aside: ‘Either a judgment is void or it is
21 valid.’” *LC Rental Company, LLC. v. China Yanbian Foreign Economic & Technical Cooperation*
22 *Corporation*, Civ. No. 16-0146 (NMI Super. Ct. Jul. 14, 2017) (Order After Evidentiary Hearing
23 Granting Defendant’s Motion to Set Aside Default Judgment as Plaintiff Failed to Properly Serve
24 the Defendant, Therefore the Judgment is Void Pursuant to NMI R. Civ. 60(b)(4) at 5) (quoting
Estate of Ogumoro v. Han Yoon Ko, 2011 MP 11 ¶ 17). Although *LC Rental* dealt with a situation

1 where a default judgment had been entered, its approach is helpful in determining whether an entry
2 of default—which is the precursor to a default judgment—should be set aside. *See* NMI R. Civ. P.
3 55(a)-(b); *Woodruff*, 2015 MP 11 ¶ 20 (“Grounds for setting aside an entry of default often parallels
4 the grounds for setting aside a default judgment under Rule 60(b)”). Further, since Rule 55(c) states
5 that the Court may set aside both entries of default *and* default judgments pursuant to Rule 60(b),
6 the same analysis applies for both entries of default and default judgments.

7 First, the Court will address whether the Defendants have been served, since if the
8 Defendants have not been served, the entry of default is void. *See LC Rental*, Civ. No. 16-0146
9 (Order After Evid. Hrg. at 5). If the Defendants have been served, the Court will address the three
10 factors required by *Woodruff*, 2015 MP 11 ¶ 21.

11 **1. The Entry of Default is Not Void, As the Defendants Were Properly Served**

12 “If a judgment is void due to lack of service, the Court has no jurisdiction over the
13 defendant.” *LC Rental*, Civ. No. 16-0146 (Order After Evid. Hrg. at 5) (citing *Direct Mail*
14 *Specialists, Inc. v. Eclat Computerized Techs., Inc.*, 840 F.2d 685, 688 (9th Cir. 1988)). Thus,
15 “[s]ince the Court lacks discretions when a judgment is void, “the relative culpability of the
16 moving defendant’s conduct in the matter is irrelevant.”” *Id.* at 5-6. (quoting *Muna v.*
17 *Commonwealth*, Civ. No. 07-0216 (NMI. Super. Ct. Nov. 12, 2009) (Order at 4-5)). Generally the
18 burden of establishing jurisdiction is on the plaintiff. *Id.*

19 In *LC Rental*, this Court addressed the issue of whether a default judgment should be set
20 aside where the defendant was not properly served. In *LC Rental*, the Court held an evidentiary
21 hearing to determine whether the defendant had been properly served pursuant to Commonwealth
22 Rules of Civil Procedure Rule 4, ultimately finding that, since the defendant had not been served,
23 that the default judgment was void. In *LC Rental*, the Court noted that: “Although Rule 4 ‘is a
24 flexible rule that should be liberally construed so long as a party received sufficient notice of the

1 complaint,' notice alone is insufficient." *LC Rental*, Civ. No. 16-0146 (Order After Evid. Hrg. at 7-
2 8) (quoting *Direct Mail Specialists*, 840 F.2d at 688)).

3 Thus, before the Court can address the three factor test outlined in *Woodruff*, the Court must
4 first turn to whether the Defendants were properly served pursuant to Commonwealth Rules of
5 Civil Procedure Rule 4. If the Defendants were not properly served, then the default entered against
6 the Defendants is void and the Court has no discretion in whether or not to set aside the entry of
7 default.

8 **a. The Defendants Were Not Personally Served at their Residence**

9 The Court will first address whether the Defendants were personally served when a copy of
10 the summons and petition⁴ were delivered to Gary Camacho at Gary Camacho's residence in
11 Kagman. Pursuant to Commonwealth Rules of Civil Procedure Rule 4(e)(2), persons present in a
12 jurisdiction of the United States may be served by "delivering a copy of the summons and of the
13 complaint to the individual personally or by leaving copies thereof at the *individual's dwelling*
14 *house or usual place of abode* with some person of suitable age and discretion then residing
15 therein." NMI R. Civ. P. 4(e)(2) (emphasis added).

16 At the November 14, 2017 evidentiary hearing, Mr. Agulto testified that when he went to
17 the Defendants' residence on Capitol Hill to serve the Defendants, he found the house abandoned.
18 Mr. Agulto learned that the Defendants were off-island seeking medical treatment. Mr. Agulto then
19 gave the summons and petition to Gary Camacho at Gary Camacho's residence in Kagman. Mr.
20 Agulto testified that he believed that the Defendants resided at Gary Camacho's residence. Gary
21 Camacho testified that the house in Kagman is his own residence, and that his parents do not live
22 there. Based on the testimony made by Mr. Agulto and Gary Camacho, the Court finds that the

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24 ⁴ The petition to quiet title.

1 Defendants do not reside with Gary Camacho. The Court gives weight to Gary Camacho’s
2 testimony that the Kagman residence is *his* residence and that his parents, the Defendants, do not
3 reside there. Thus, the Defendants have not been personally served at their “dwelling house or usual
4 place of abode” as required by the Commonwealth Rules of Civil Procedure. NMI R. Civ. P.
5 4(e)(2).

6 **b. The Defendants Were Served By Publication Pursuant to 7 CMC §
1104(b)**

7 The Court now turns to whether the Defendants were properly served by publication. When
8 Tenorio was unable to serve the Defendants personally, he filed his motion for extension of time
9 and leave to serve process by publication on November 18, 2017.

10 The Commonwealth Code provides for service by publication:

11 [I]f the defendant cannot be personally served by mail the summons and the
12 complaint, and if by affidavit or otherwise the court is satisfied that with reasonable
13 diligence the defendant cannot be served, and that a cause of action arises against
14 the party upon whom service is to be made, or he is a necessary and proper party to
the action, the court may order that service be made by publication of the summons
in at least one newspaper published and having a general circulation in the
Commonwealth.

15 7 CMC § 1104(b). Section 1104 also requires that the summons and complaint, or in this case the
16 petition for quiet title, be served upon the Office of the Attorney General. *Id.* Publication must be
17 made “once each week for four successive weeks, and the last publication shall not be less than 21
18 days prior to the return date stated herein.” *Id.*

19 Here, Tenorio represented to the Court on November 18, 2015 that he was unable to
20 personally serve the Defendants, and that the Office of the Attorney General was served with the
21 complaint/petition. Mot. for Extension at 1-2; Decl. of Michael Dotts in Supp. of Mot. for
22 Extension at 1-2. Michael Dotts, attorney for Tenorio, also represented to the court that
23 “Defendants’ son refused to give an address where his parents can be reached.” Decl. of Michael
24 Dotts in Supp. of Mot. for Extension at 2.

1 The Court granted Tenorio’s motion for extension of time and leave to serve process by
2 publication on November 23, 2015. The amended summons was then published in The Marianas
3 Variety, a newspaper of general circulation in the Commonwealth, on December 18, 2015,
4 December 24, 2015, December 31, 2015, and January 8, 2016. These publications were made over
5 a period of four successive weeks in a newspaper having general circulation in the Commonwealth.
6 Thus, the Defendants were served pursuant to 7 CMC § 1104(b).⁵ The Court now turns to whether
7 the entry of default may be set aside pursuant to *Woodruff*.

8 **2. The Defendants failed to establish any of the three *Woodruff* factors**

9 In *Woodruff*, the Commonwealth Supreme Court outlined three factors for courts to consider
10 in motions to set aside entries of default and default judgments: “(1) whether [the party seeking to
11 set aside the default] engaged in culpable conduct that led to the default; (2) whether [it] had [no]
12 meritorious defense; or (3) whether reopening the default judgment would prejudice the other
13 party.” *Woodruff* 2015 MP 11 ¶ 21 (quoting *United States v. Signed Personal Check No. 730*, 615
14 F.3d 1085, 1091 (9th Cir. 2010) (brackets in original). Although “the party seeking to set aside
15 entry of default bears the burden of satisfying the test, it is unclear whether the party must also
16 establish every factor.” *Id.* (citing *Roberto*, 4 NMI at 297). Whether the party seeking relief from
17 the default has a meritorious defense is *required* to set aside the entry of default. *Id.*

18 **a. The Defendants Failed to Address Whether They Engaged in Any 19 Culpable Conduct Leading to the Entry of Default**

20 Culpable conduct leading to an entry of default occurs when the defendant “has received
21 actual or constructive notice of the filing of the action and intentionally failed to answer.”
22 *Woodruff*, 2015 MP 11 ¶ 22. “Neglectful failure to answer as to which the defendant offers a

23 ⁵ The Court notes the Defendants’ reliance on NMI R. Civ. P. 4(m), which requires that service be made within 120
24 days of filing the complaint. Tenorio’s service by publication was done with leave of court, and Tenorio’s motion was
specifically framed as both a motion for extension of time *and* a motion to serve by publication. Thus, service of
process by publication is timely in this case.

1 credible, good faith explanation negating any intention to take advantage of the opposing party,
2 interfere with judicial decision making, or otherwise manipulate the legal process is not
3 ‘intentional’” and thus not culpable conduct. *Id.* (quoting *TCI Group Live Ins. Plan v. Knoebber*,
4 244 F.3d 691, 697-98 (9th Cir. 2001)).

5 In the Defendants’ motion to set aside entry of default pursuant to 7 CMC§ 1304, the
6 Defendants did not make any arguments regarding whether they had engaged in culpable conduct
7 leading to the entry of default. Instead, the Defendants argued that service upon their son, Gary
8 Camacho, was not valid service, and that the Defendants were otherwise unaware of the documents
9 delivered to Gary Camacho. Mot. to Set Aside Entry of Default at 3. The Defendants also argued
10 that they “deny the allegations made against them in Plaintiff’s Complaint, and wish to make an
11 appearance and defend the same.” *Id.* As the Defendants failed to argue anything regarding culpable
12 conduct,⁶ this factor tips in favor of Tenorio.

13 **b. The Defendants Failed to Address Whether They Had a Meritorious**
14 **Defense**

15 The party seeking relief from default “*must* present specific facts that would constitute a
16 defense.” *Woodruff*, 2015 MP 11 ¶ 25 (quoting *TCI Group*, 244 F.3d at 700). The party seeking
17 relief from default “need only ‘allege sufficient facts that, if true, would constitute a defense: ‘the
18 question whether the factual allegation [i]s true’ is not to be determined by the court when it
19 decides the motion to set aside the default.”” *Id.* (quoting *Signed Personal Check No. 730*, 615 F.3d
20 at 1094).

21 Here, again, the Defendants did not make any arguments regarding whether the Defendants
22 had a meritorious defense in this case. The Court emphasizes that the Defendants “*must* present
23 specific facts that would constitute a defense,” and they have *not*. *Woodruff*, 2015 MP 11 ¶ 25. The

24 ⁶ In fact, the Defendants did not argue any of the *Woodruff* factors in their motion.

1 Court cannot and will not construct a defense for the Defendants. *See Commonwealth v. Guiao*,
2 2016 MP 15 ¶ 19 (“The Court does not function as an advocate of any party, but as arbiter of the
3 law.”). Thus, this factor tips in favor of Tenorio.

4 **c. The Defendants Failed to Address Whether Tenorio Would be
5 Prejudiced**

6 Prejudice to the non-defaulting party requires “greater harm than simply delaying resolution
7 of the case.” *Woodruff*, 2015 MP 11 ¶ 28 (quoting *TCI Group*, 244 F.3d at 701). Prejudice instead
8 requires that “setting aside default will hinder the plaintiff’s ability to pursue the claim.” *Id.* (citing
9 *Falk v. Allen*, 739 F.2d 461, 463 (9th Cir. 1984)). There is nothing on the record to show that
10 Tenorio faces any prejudice other than a delay in the case; however, the Court again notes that the
11 Defendants did not argue any of the *Woodruff* factors.

12 **3. There is No Legal Grounds to Set Aside the Entry of Default**

13 In summary, the Defendants were served by publication pursuant to 7 CMC § 1104(b).⁷
14 Thus, the Court turned to the *Woodruff* factors. The Defendants failed to establish that the
15 Defendants’ culpable conduct did not lead to an entry of default, nor that the Defendants possessed
16 a meritorious defense, or that setting aside the default would not prejudice Tenorio. Further, the
17 Court again notes that Section 1304, relied upon by the Defendants in making their motion to set
18 aside the entry of default, applies in cases where a final judgment has been entered—and no such
19 final judgment has been made in this case. Accordingly, the Defendants’ motion to set aside the
20 entry of default is denied.

21 **B. Plaintiff Tenorio’s Renewed Motion for Default Judgment**

22 The Court now turns to Tenorio’s renewed motion for default judgment. The Defendants
23 opposed Tenorio’s renewed motion for default judgment, arguing that the Defendants had not been

24 ⁷ The Defendants were *not* properly served at Gary Camacho’s residence in Saipan.

1 served, and that the Defendants wished to respond to the allegations. Def.'s Opp. to Pl.'s Mot. for
2 Default Judgment. at 2-3. Tenorio argues that the Defendants were properly served and that the
3 Defendants had voluntarily appeared in the action. Pl.'s Reply in Supp. Of Pl's. Renewed Mot. for
4 Default Judgment at 3-8. The Court has already found that the Defendants were served by
5 publication and the Court has declined to set aside the entry of default.

6 The Defendants were served by publication on December 18, 2015, December 24, 2015,
7 December 31, 2015, and January 8, 2016. The Clerk of Court made an entry of default on February
8 4, 2016. The Court denied the Defendants' motion to set aside the entry of default, as detailed in
9 Section III.A.3. above. Accordingly, the Court grants Tenorio's motion for default judgment.

10 **IV. CONCLUSION**

11 Accordingly, the Defendants' motion to set aside entry of default pursuant to 7 CMC § 1304
12 is **DENIED**.

13 Plaintiff Pedro Pangelinan Tenorio's renewed motion for default judgment is **GRANTED**
14 and Default Judgment is entered against Defendants Antonio Salas Camacho and Elphidia
15 Pangelinan Camacho.

16 As to the property known as Tract 21700 AH 412, fee simple title is quieted in favor of
17 Pedro Pangelinan Tenorio. The Defendants, each of them, and all persons claiming under or
18 through them, have no estate right, title, lien or interest in or to the Property or any part thereof, and
19 are enjoined from asserting adverse claim in Pedro Pangelinan Tenorio's title to the Property.

20
21 **IT IS SO ORDERED** this 22nd day of March, 2018.

22
23 /s/ _____
24 JOSEPH N. CAMACHO
Associate Judge