



By Order of the Court, Judge Joseph N. Camacho

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FOR PUBLICATION



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

THE ESTATE OF)	CIVIL ACTION NO. 16-0252
)	
ANGELINA BORJA PEREDO aka)	ORDER FINDING THAT THE PROBATE
ANGELINA P. RIOS,)	COURT HAS FULL POWER TO TAKE
)	ALL NECESSARY AND PROPER
Deceased.)	ACTIONS TO ADMINISTER JUSTICE IN
)	PROBATE MATTERS INCLUDING
)	CORRECTING TYPOGRAPHICAL
)	ERRORS
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I. INTRODUCTION

This matter came before the Court for an Evidentiary Hearing on May 17, 2018, at 9:00 a.m. Attorney Charity R. Hodson, standing in for Attorney Robert T. Torres, appeared for and with Administratrix Daisy G. Ramirez. The Court noted that the notice of hearing had been duly published and service on heirs had been completed. The purpose of the evidentiary hearing was to clear the title on the only real property in the Estate, with regard to what appears to be a typographical error in a document relevant to the Estate.

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

II. FINDINGS OF FACT

At the May 17, 2018 Evidentiary Hearing, the Court heard testimony from Administratrix regarding her investigation of the Estate and her personal knowledge of the Estate, having grown up around Decedent and her family, as Decedent was the sister of Administratrix's grandmother.

1 The Court also heard testimony from Rosa R. Tydingco (“Mrs. Tydingco”), a daughter of
2 Decedent and an heir to the Estate. Interpreter John Oliver Gonzales appeared with Mrs. Tydingco
3 to interpret her testimony from Chamorro into English. Having heard the evidence and reviewed
4 the admitted exhibits, the Court now makes the following findings of fact:

5 1. Decedent Angelina Borja Peredo was also known as Angelina P. Rios.

6 2. Decedent was a person of Northern Marianas Descent, specifically Chamorro
7 descent.

8 3. At the time of her death, Decedent resided and was domiciled on the island of
9 Saipan, Commonwealth of the Northern Mariana Islands.

10 4. Decedent died on December 7, 1981, on Saipan, Commonwealth of the Northern
11 Mariana Islands.

12 5. Decedent was never legally married but had a long-term relationship with Francisco
13 Santos Rios.

14 6. Decedent had the following children with Francisco Santos Rios:

15 a. Susana Rios (deceased).

16 b. Lucas Peredo Rios (deceased).

17 c. Ana Rios Vergara, born Ana Rios.

18 d. Rosa Rios Tydingco, born Rosa Rios.

19 7. Decedent had a second long-term relationship with Armando “Steward” Villafuerte.

20 8. Decedent had the following children with Armando ”Steward” Villafuerte:

21 a. Armando P. Villafuerte.

22 b. Julius P. Villafuerte.

23 c. Christopher P. Villafuerte (deceased).

24 d. Dorothy Villafuerte Kurtz, born Dorothy Villafuerte.

1 9. Decedent also had a relationship with a man with the first name “Jesus.”¹

2 10. Decedent had a daughter with Jesus: Beatrice Peredo Troup, born Beatrice Peredo.

3 11. The only known asset to be distributed in this Estate is Decedent’s fee simple
4 interest in land situated in Garapan Annex I, more particularly described as follows (hereinafter the
5 “Garapan property”):

6 Lot 004 D 87 (Formerly Block 5 Lot 8) as shown on the Division of Lands and
7 Surveys Official Cadastral Plat No. 004 D 00 dated October 30, 1970 and containing
8 an area of 994 square meters subject however, to certain estates, liens, charges and
9 encumbrances.

10 Ex. 1.1.

11 12. On October 28, 1985, several of the children of Decedent² signed and recorded a
12 Quitclaim Deed, acknowledging that Decedent had passed away and transferring any of their
13 interest as Decedent’s heirs to the Garapan property, out of love and affection to their half-siblings,
14 identified as Armando P. Villafuerte, Julius P. Villafuerte, Christopher P. Villafuerte, and Dorothy
15 P. Villafuerte. Exs. 5.1, 5.2, 5.3, and 5.4.

16 13. The names Lucas P. Rios and Ana Rios Vergara appear on the Quitclaim Deed, but
17 they did not sign the document.

18 14. Lucas P. Rios and Ana Rios Vergara were living in the Mainland U.S. at the time
19 when Susana P. Rios, Rosa R. Tydingco, and Beatrice Peredo Troup signed the Quitclaim Deed.

20 15. Mrs. Tydingco testified that Susana P. Rios and Beatrice Peredo Troup are now
21 deceased, but when they were living, they were able to read and write.

22 16. Mrs. Tydingco is able to read and write a little, and testified that she was aware
23 when she signed the Quitclaim Deed that the purpose was to convey title to the Villafuerte
24 children: Armando P. Villafuerte, Julius P. Villafuerte, Christopher P. Villafuerte, and Dorothy P.

¹ No other information was presented to the Court as to the person named “Jesus.”

² Namely, Susana P. Rios, Rosa R. Tydingco, and Beatrice Peredo Troup.

1 Villafuerte.

2 17. The Quitclaim Deed, however, contains what appears to be a typographical error in
3 the legal description of the real property, listing the lot as Lot No. 002 D 87, as opposed to Lot No.
4 004 D 87.

5 18. The description contained in the Certificate of Title is as follows:

6 **Lot 004 D 87** (Formerly Block 5 Lot 8) as shown on the Division of Lands and
7 Surveys Official Cadastral Plat No. 004 D 00 dated October 30, 1970 and containing
an area of 994 square meters subject however, to certain estates, liens, charges and
encumbrances.

8 Ex. 1.1 (emphasis added).

9 19. The description contained in the Quitclaim Deed is as follows:

10 **Lot 002 D 87** (Formerly Block 5 Lot 8) as shown on Cadastral Plat No. 004 D 00
dated October 30, 1970 and containing an area of 994 square meters, more or less.

11 Ex. 5.1 (emphasis added).

12 20. The descriptions of the properties in both the Certificate of Title and the Quitclaim
13 Deed are almost identical with the exception of the digit “002” in the Quitclaim Deed.

14 21. Name searches on “Angelina Borja Peredo” and “Angelina P. Rios” conducted by
15 Security Title, Inc. for real properties show that during her lifetime, Decedent only held title to Lot
16 No. 004 D 87. Decedent never held title to a Lot No. 002 D 87, nor to any other real property in
17 the CNMI. Exs. 3.1, 4.1.

18 22. The name search for Angelina P. Rios shows the Quitclaim Deed and references a
19 Lot 002 D 87, but does not show that Decedent ever held title to a Lot 002 D 87.

20 23. Additionally, a preliminary title report conducted by Security Title, Inc. on Lot 004
21 D 87 references the Quitclaim Deed as a document that may affect the title of the land. Exs. 2.1,
22 2.2, 2.3.

23 24. The Quitclaim Deed’s reference to a Lot 002 D 87 appears in the title report for Lot
24 004 D 87, as a potential cloud on the title.

1 **III. LEGAL STANDARD**

2 The Probate Court has broad discretion in probate proceedings to entertain any relevant
3 matters that may come before it in a probate matter, as follows:

4 (a) To the full extent permitted by the Northern Mariana Islands Constitution and the
5 Schedule on Transitional Matters, the Commonwealth Trial Court shall have
6 jurisdiction over all subject matter relating to estates of decedents, including
7 construction of wills and determination of heirs and successors of decedents.

8 (b) The Commonwealth Trial Court shall have full power to make orders, judgments,
9 and decrees and take all other action necessary and proper to administer justice in the
10 matters which come before it.

11 8 CMC § 2202.

12 **IV. DISCUSSION**

13 The Quitclaim Deed executed by three of the alleged heirs acknowledges that Decedent
14 passed away and left real property in her estate identified as “Lot No. 002 D 87.” The Quitclaim
15 Deed goes on to provide a description of the property with the same description contained in the
16 Decedent’s Certificate of Title, except that the lot is identified as “Lot 002 D 87,” instead of “Lot
17 004 D 87.” Decedent did not hold title to any other real property. Decedent has never held title to a
18 property with the lot number “002 D 87.”

19 There is no CNMI statute or case law that addresses typographical errors in deeds of
20 conveyance. Other U.S. jurisdictions have found that a mere typographical error in a property
21 description does not render a deed void so long as the property is otherwise sufficiently described.
22 *See Ceasar v. Wells Fargo Bank, N.A.*, 744 S.E.2d 369, 373 (Ga. Ct. App. 2013) (erroneous
23 reference in deed to property as falling within lot 50, as opposed to the correct lot 58, did not
24 invalidate the property description as a matter of law, where the deed included the correct street
address, land lot, district and plat); *see also Grant v. Fourth Nat. Bank of Columbus*, 194 S.E. 2d
913 (Ga. 1972) (upholding validity of deed notwithstanding typographical error inaccurately
reciting a “northwesterly” direction, as opposed to the correct “northeasterly” direction); *Sugg v.*

1 *Town of Greenville*, 86 S.E. 695, 699 (N.C. 1915) (“The intention of the parties as apparent in a
2 deed should generally control in determining the property conveyed thereby; but, if the intent is
3 not apparent from the deed, resort may be had to the general rules of construction.”); *Polis v.*
4 *Unknown Heirs of Jessie C. Blair*, 487 S.W.3d 901, 908 (Ky. Ct. App. 2016) (affirming the trial
5 court’s clarification of a deed’s language so as to give meaning to the entire contents of the
6 conveyance).

7 Listing Lot 002 D 87 in the Quitclaim Deed is a typographical error. A plain reading of the
8 Quitclaim Deed supports the finding that the lot number was a typographical error, because the
9 Quitclaim Deed recognizes that Decedent owned real property in her estate. The only real property
10 in Decedent’s estate is Lot No. 004 D 87. The property listed as an asset of this Estate is otherwise
11 sufficiently described in the Quitclaim Deed.

12 Further, Decedent did not own a Lot 002 D 87. Lot 004 D 87 is the only property Decedent
13 owned in the CNMI. This supports a finding that the Quitclaim Deed should properly list the
14 property as Lot 004 D 87. *See e.g.* 23 Am. Jur. 2d *Deeds* § 252 (“Where the description in a deed
15 is such that it may refer to two tracts of land, it will be presumed that the grantor intends to convey
16 the tract to which he has title, and not land which he does not own.”).

17 Accordingly, the Court finds that the Quitclaim Deed refers to Lot 004 D 87, the Garapan
18 property, and that the description therein is legally sufficient to describe Lot 004 D 87.³

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23 ³ The Court makes this order without making a finding regarding what effect the Quitclaim Deed may have on the
24 distribution of the assets of the Estate. The issue of whether Susana P. Rios, Rosa R. Tydingco, and Beatrice Peredo
Troup could transfer property via a Quitclaim Deed without probating Decedent’s estate has yet to be addressed.

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V. CONCLUSION

Therefore, for the reasons stated above, the Court **FINDS**⁴ the correct lot number for the Garapan property is Lot 004 D 87. Decedent’s real property shall thus be listed as Lot 004 D 87.

IT IS SO ORDERED this 6th day of July, 2018.

/s/
JOSEPH N. CAMACHO
Associate Judge

⁴ This Order only corrects the typographical error of Lot 004 D 87. It is worth repeating that the Court makes this order without making a finding regarding what effect the Quitclaim Deed may have on the distribution of the assets of the Estate. The issue of whether Susana P. Rios, Rosa R. Tydingco, and Beatrice Peredo Troup could transfer property via a Quitclaim Deed without probating Decedent’s estate has yet to be addressed.