

## CERTIFICATION AS TO TRANSLATION

I, Lazarus Salii, a citizen of the Trust Territory and Senator, Congress of Micronesia, hereby certify that to the best of my knowledge and ability, I correctly and accurately interpreted and translated the provisions of the within agreement from the English language into the Palauan language; that I am familiar, conversant and have a working knowledge of both languages; that I answered all questions relating to the terms and provisions of the agreement asked by the within named Beneficiaries of the Angaur Mining Trust Agreement to their complete satisfaction and that the within named Beneficiaries of the Angaur Mining Trust Agreement indicated to me that they understood fully the contents of the within agreement.

IN WITNESS WHEREOF, I hereunder set my hand this 13th day of March, 1970.

/s/ Lazarus Salii

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Lazarus Salii

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**OTTO and PIU, Plaintiffs**

**v.**

**KONANG, Defendant**

**Civil Action No. 429**

**Trial Division of the High Court**

**Truk District**

**May 19, 1970**

Action to determine ownership of land on Moen Island, Truk District. The Trial Division of the High Court, H. W. Burnett, Associate Justice, held that land in question had been the subject of a determination of ownership and as no appeal had been taken from that determination that finding would control.

**1. Trust Territory—Land Law—Determination of Ownership**

A determination of ownership, from which no appeal is taken, has a standing similar to a judgment between the parties.

**2. Trust Territory—Land Law—Determination of Ownership**

When a determination of ownership becomes final it is as conclusive as if it were embodied in a judgment of the court, and cannot be reopened and the issues relitigated.

BURNETT, *Associate Justice*

This action concerns a portion of the land Unufoumo, Mechitiu Village, Moen Island, Truk District. Late in the presentation of the defendant's case, it became clear that the land had been the subject of a Determination of Ownership, entered by the District Land Title Officer. The Determination itself was not produced in evidence, but a map, introduced by defendant, identified it as No. 53-1, filed with the Clerk of Courts in Volume T-1, page 9.

Determination of Ownership No. 53-1, entered on October 5, 1954, declared Unufoumo No. 2, the land here in dispute, to be the property of "that lineage of the Fanimei Clan of Mechitiu now headed by Sitane and in the charge of Kolang of that lineage."

Land Management Regulation No. 1, under which Determinations of Ownership were made, made full provision for both public and private notice to all those claiming an interest in the land, and a public hearing at which all claiming an interest would be given an opportunity to be heard. Appeal to the High Court was authorized at any time within one year from the date the determination was filed with the Clerk of Courts.

[1, 2] A Determination of Ownership, from which no appeal is taken, has a standing similar to a judgment between the parties. *In Re De Castro, Deceased*, 3 T.T.R. 446. When the Determination becomes final it is as conclusive as if it were embodied in a judgment of this court, and cannot be reopened and the issues relitigated.

Determination of Ownership No. 53-1 was never appealed and is therefore conclusive of the rights of these parties. From the evidence it is clear that Konang, who had charge of the land on behalf of the lineage at the time of the determination, is now the head of the lineage.

It is therefore, ordered, adjudged, and decreed:—

1. The land Unufoumo No. 2, Mechitiu Village, Moen Island, Truk District, as designated on Map T M-1 Serial No. 8 attached to Determination of Ownership and Release No. 53-1, is the property of that lineage of the Fanimei Clan of Mechitiu now headed by Konang (sometimes spelled Kolang).
2. No costs are assessed against either party.