

In the Matter of the Estate of CHONG HEE, Deceased

Probate Case No. 2

Trial Division of the High Court

Marshall Islands District

May 22, 1968

See, also, 5 T.T.R. 185

FURBER, *Temporary Judge*

This matter came on for hearing before Chief Justice E. P. Furber on November 17, 1964, response to Order of Notice issued August 20, 1964. The petitioner for letters testamentary and allowance of alleged Will, Lannimjen, was represented by Mr. Amata Kabua, who stated he was only acting as counsel temporarily. The claimed heir, Totha Samuel, was represented by Roger St. Pierre, Esquire, Public Defender, and Anibar Timothy. The Alien Property Custodian was represented by Richard V. Backley, Esquire, District Attorney.

It was agreed to proceed immediately with trial of the issue of whether Totha Samuel was the adopted daughter of Chong Hee and therefore his sole heir and next of kin and take up at a later time the petition of Lannimjen for letters testamentary and allowance of alleged Will.

Trial of the issue as to Totha Samuel's status started forthwith between her and the Alien Property Custodian. Since Lannimjen's counsel stated he was not concerned with this issue, and recognized Totha Samuel as the heir, he did not participate in the trial of this issue. After counsel for Miss Totha Samuel had introduced the testimony of all his witnesses available on Uliga Island, Majuro Atoll, the trial was suspended to permit him to obtain the testimony of her natural father, reported to be on Ujae Is-

IN RE ESTATE OF CHONG HEE

land. Efforts to arrange for resumption of trial at which this witness could be heard having been unsuccessful, a stipulation was filed January 19, 1968, submitting the issue of the alleged heir for decision on the present state of the record without oral or written argument.

Attention of all concerned is called to the fact the former counsel for the petitioner Lannimjen has notified the court orally that the latter has died. By letter dated February 23, 1968, said counsel has recommended that the deceased petitioner's sister, Mrs. Labra Lajirok, be allowed to succeed him.

FINDING OF FACT

Totha Samuel was adopted by Chong Hee in accordance with Marshallese custom.

INTERLOCUTORY JUDGMENT

It is ordered, adjudged, and decreed as follows:—

1. Totha Samuel who lives on Ujae Island, Marshall Islands District, is the adopted daughter of Chong Hee, late of Djarrit, Uliga, Dalap Municipality, Majuro Atoll, Marshall Islands District; she is his sole heir and next of kin and is entitled to be heard as such on the petition of Lannimjen for letters testamentary and allowance of alleged will.

2. The question of costs is held in abeyance pending action on the petition for letters testamentary and allowance of alleged will.