TO THE NOTICE IN T	1 2 3 4		ERIOR COURT R THE NORTHERN MARIAN	E-FILED CNMI SUPERIOR COURT E-filed: Mar 17 2025 03:55PM Clerk Review: Mar 17 2025 03:55PY Filing ID: 75868501 Case Number: 24-0261-CV N/A A ISLANDS	М		
Camacho	5 6 7 8 9	IN RE ESTATE OF FRANCISCO DELEON GUERRERO CABRERA, Deceased.	 CIVIL ACTION NO. 24-0261 ORDER GRANTING PURSUANT TO 8 CMC § 2903 THE TRANSFER OF FRANCISCO DELEON GUERRERO CABRERA'S OWNERSHIP OF THE UNITED STATES PATENT AND TRADEMARK OFFICE REGISTERED 				
udge Joseph N.	10 11 12 13 14		STRESSFREE C.N. THE MAGAS CO CLOSELY-H CORPO	D. 3566485 "MAGAS M.I. COMPANY" TO ORPORATION, A IELD FAMILY DRATION			
J_l	15 16 17	THIS MATTER came before the Court on Petitioner's Motion to Transfer Esta Property on March 6, 2025 at 10:00 a.m. in Courtroom 220A. Mark Scoggins, Es					
By order of the Court,	18 19 20 21	appeared with Administrator May R. Cabrera.Before the Court is a motion concerning two related property interests that form partof the estate: a corporation and trademarks used by that corporation in commerce. TheAdministrator has moved the Court for an order approving the transfer of the trademarks to					
By order	22 23 24	the corporation. II. RELE 1. Francisco Deleon Guerrero	EVANT FACTS O Cabrera ("Francisco"	") died intestate on			

II. RELEVANT FACTS

- 1. Francisco Deleon Guerrero Cabrera ("Francisco") died intestate on November 25, 2019.
- 2. Francisco is a Chamorro man.

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3. On November 14, 2024 the Petition for Letters of Administration were filed.

1	4.	On December 5, 2024 a notice to potential creditors was published, and the
2		sixty days deadline to file a claim has elapsed. No creditor has filed a claim.
3	5.	Francisco's heirs are his wife May R. Cabrera and their two minor children.
4	6.	On December 6, 2024 May R. Cabrera was appointed as Administrator of
5		Francisco's estate.
6	7.	On December 6, 2024, Nicolette Villagomez Inos was appointed as guardian
7 8		ad litem for the two minor children.
9	8.	Prior to his death, Francisco formed a corporation known as Magas
10		Corporation, a small, closely-held corporation. ("Magas Corporation").
11	9.	Both Francisco and May R. Cabrera were the only shareholders, each owned
12		fifty percent of Magas Corporation shares.
13	10.	Magas Corporation does business as 670 Rocksteady Shop on Middle Road,
14		Saipan, and also sells its goods online to many locations.
15	11.	Before formation of Magas Corporation, Francisco applied for, and was
16 17		granted a federally registered trademark, "Magas Stressfree C.N.M.I.
17		Company" ("the Trademark") under the ownership of Francisco Deleon
19		Guerrero Cabrera.
20	12.	Francisco and May R. Cabrera, and later Magas Corporation used this
21		Trademark and other related trademarks in commerce, producing and selling
22		clothing under variations of the Trademark such as "Magas Stressfree
23		C.N.M.I. Company" and "Magas."
24	13.	The Trademark is still used in commerce to this day, and remains federally
25 26		registered with the U.S. Patent and Trademark Office ("USPTO").
20	14.	May R. Cabrera learned that a company in California was producing and
		selling clothing that infringed on the Trademark.

1	15.	Litigation to protect the Trademark intellectual property interest has been					
2		filed in the United States District Court for the Central District of California					
3		Eastern Division in Riverside, California.					
4	16.	May R. Cabrera has been advised by her attorney handling the Trademark					
5		litigation that the assignment of the trademark as an asset of Francisco					
6		Estate's to an asset of Magas Corporation will facilitate the trademark					
7		infringement litigation. Motion to Transfer Estate Property at ¶ 3.					
8	17.	On February 21, 2025, May R. Cabrera as Administrator filed the Inventory					
9		listing the Estate assets which includes the Trademark and Magas					
10 11		Corporation.					
12	18.	On February 27, 2025, May R. Cabrera as Administrator filed a motion to					
13		transfer ownership of the Trademark from Francisco's Estate to Magas					
14		Corporation.					
15	19.	The Guardian Ad Litem for the two minor children expressed agreement and					
16		support for the transfer of ownership of the Trademark from Francisco's					
17		Estate to Magas Corporation.					
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19	III. LEGAL STANDARD						
20	The standard for statutory interpretation is "the plain language of the statute. Only when						
21	such statutory language is unclear will the Court's analysis venture outside the plain wording						
22	of the statute." Oden v. Northern Marianas College, 2003 MP 13 ¶ 10. 8 CMC § 2107(x)						
23	defines property as "anything that may be the subject of ownership." A trademark owned by						
24	decedent is part of decedent's estate and subject to distribution pursuant to the laws of						
25	intestate succession, 8 CMC §§ 2901-2927.						
26	Title 8 CMC § 2903 distributes a Chamorro's "other property" that is not land among the						
	surviving spouse and issues, if any. The NMJ Rules of Probate Procedure govern how the						

administrator of the Estate can dispose of estate property, NMI R. PROB. P. 10(c).

IV. INVENTORY

The inventory lists USPTO Registered Trademark No. 3566485 "Magas Stressfree 3 4 C.N.M.I. Company," other unregistered trademarks, and interests in Magas Corporation as 5 the personal property of Francisco.

V. DISCUSSION

1. Succession under the NMI Probate Code

Under the NMI Probate Code, "Property' includes both real and personal property or 9 any interest therein and means anything that may be the subject of ownership." 8 CMC § 10 2107(x). A trademark is non-tangible, intellectual property, that can be owned. Francisco 11 owned the Trademark copyright in his name. Francisco was Chamorro. Title 8 CMC § 2903 12 13 determines the succession for a Chamorro's "other properties" that are not land or real 14 estate. As a non-tangible, intellectual property, the Trademark is not land or real estate. 15 Thus, the Trademark is subject to 8 CMC § 2903.

Pursuant to 8 CMC § 2903, when there is a surviving spouse and issues of the decedent, 17 the surviving spouse receives half of the "other properties" and the issues receive the 18 remaining half of the "other properties" by representation. Here, May R. Cabrera is the 19 surviving spouse therefore she inherits one-half (50%) of the value of the Trademark. The 20 two minor children as issues of Francisco share the remaining half by representation, 21 22 meaning each child has a 25% interest in the value of the Trademark.

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2. The transfer of Trademark ownership from the Estate to the Magas Corporation

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May R. Cabrera as Administrator is bound by the duties prescribed in Rule 10 of the 26 NMI Rules of Probate. May R. Cabrera cannot "pay the decedent's debts or sell or otherwise dispose of the estate without a court order authorizing the payment, sale, or disposition."

NMI R. PROB. P. 10(c).

A company in California has been producing and selling clothing that infringed on the 2 Trademark. May R. Cabrera as Administrator has filed a lawsuit to protect the Trademark in 3 4 United States District Court for the Eastern District of California. Upon conferring with the 5 attorney handling the Trademark Litigation, May R. Cabrera has been advised that the 6 assignment of the Trademark to Magas Corporation will facilitate the trademark 7 infringement litigation. Motion to Transfer Estate Property at ¶ 3. Magas Corporation is 8 owned by both Francisco and May R. Cabrera. The Magas Corporation has previously and 9 continues to use the Trademark to promote its business. In situations such as this case, the 10 Court examines the terms of the proposed transfer, and approves the transfer if it is fair and 11 in the best interests of the Estate and heirs. The Administrator's request, if granted, would 12 13 give Magas Corporation ownership of the "Magas Stressfree C.N.M.I. Company" trademark 14 and related marks.

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In *Rogolifoi*, the Court approved the transfer of assets – land, money and income from 16 ongoing commercial leases -- from the *Estate of Rita Rogolifoi* to the Rita Corporation. The 17 Rita Corporation was created by the descendants of Rita Rogolifoi. See Estate of Rita 18 Rogolifoi, Civ. No. 03-0079 (NMI Super. Ct. Feb. 6, 2025) (Decree of Final Distribution 19 Approving Transfer of the Rita Estate's Carolinian Family Land and Assets to a Northern 20 Marianas Descent Family Corporation Pursuant to 8 CMC §§ 2904, 2909 at 3). The majority 21 22 of the descendants of Rita Rogolifoi agreed to distribute the assets of the Estate of Rita 23 *Rogolifoi* to the Rita Corporation, and in exchange the heirs received shares in the Rita 24 Corporation equivalent to their respective interests in the *Estate of Rita Rogolifoi*.

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In this case, the Magas Corporation was created prior to Francisco's death. Francisco's shares in the Magas Corporation are estate property. The Magas Corporation is a small, closely-held corporation, all of the shares of Magas Corporation will be held by the Heirs –

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1	May R. Cabrera (and Francisco's) and the two minor children upon final distribution.				
2	Similar to Rogolifoi, the Trademark property of Francisco's estate can be transferred to				
3	the Magas Corporation and the heirs retain an interest in the Magas Corporation.				
4	In <i>Rogolifoi</i> , the Court approved the transfer of Estate assets to a family corporation after				
5	the majority of the descendants of Rita Rogolifoi consented to the transfer pursuant to 8				
6	CMC § 2909. Although, 8 CMC § 2909 applies Carolinian custom and is not controlling as				
7	Francisco was a Chamorro man, the Court recognizes similarities of Rogolifoi and the				
8 9	request to transfer the Trademark rights to Magas Corporation, a family corporation. Where				
9	8 CMC § 2909 applies Carolinian custom, 8 CMC § 2903 determines the succession for a				
11	Chamorro's "other properties" that are not land or real estate. Like Rogolifoi, the transfer of				
12	the Trademark is also supported by Francisco's heirs.				
13	May R. Cabrera petitions the Court for the transfer in order to streamline the copyright				
14	infringement lawsuit in California. Also, the Guardian Ad Litem for the two minor children				
15	expressed agreement and support to transfer ownership of the Trademark. The transfer of				
16	the Trademark to the Magas Corporation benefits the Estate and the heirs.				
17 18	VI. CONCLUSION				
10	THEREFORE, Pursuant to 8 CMC § 2903 the Motion to Transfer Francisco Deleon				
20	Guerrero Cabrera's ownership of the United States Patent and Trademark Office Registered				
21	Trademark No. 3566485 "Magas Stressfree C.N.M.I. Company," to the Magas Corporation,				
22	a closely-held family corporation is HEREBY GRANTED.				
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24	SO ORDERED this <u>17th</u> day of March 2025.				
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26	/s/ JOSEPH N. CAMACHO, Associate Judge				
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