

IN THE SUPREME COURT OF NAURU

Civil Action No. 01/2005

BETWEEN: AMOS COOK PLAINTIFF
AND: NAURU LANDS COMMITTEE 1ST RESPONDENT
AND: GWAIN AKKEN 2ND RESPONDENT

Pres Nimes with Russell Kun for Plaintiff
NLC represented
No appearance for 2nd Defendant
The Acting Curator intervened

In Chambers

ORDER

After hearing the parties, the **Court ordered**

that the Nauru Lands Committee and the Curator of Intestate Estates comply with the Order of this Court in Civil Action No. 12/1998 dated 11 May 2001, a copy of which is appended to this Order.


Note

In relation to the above order, the Nauru Lands Committee and the Curator of Intestate Estates should note the following points.

1. Previous determinations on land, that is, GN No. 96/1994 and personalty in 1994 and 2002 need to be revoked by gazette notice.
2. Notice of family meetings to determine land and personalty to be held promptly upon notice being given to all concerned parties.
3. When the Nauru Lands Committee and the Curator of Intestate Estates have made their determinations these should then be immediately published in the gazette.

A copy of the letter dated 31 December 1998 of Acting Chairman NLC Adolph Capelle to Registrar, Supreme Court, is attached for information together with the reply of the Registrar, Mr. G.L. Chopra, dated 12 February 1999. It was noted during the Chambers hearing that the letter of Adolph Capelle did not disclose that a family meeting had taken place as required for an intestacy nor that consideration had been given to distribution of personalty. In any event, there is no evidence that the determination contained in this letter was ever published in the gazette nor that earlier determinations had been revoked.

During the Chambers hearing, I ruled that where there was an invalid will which resulted in an intestacy, all previous determinations must be revoked, and new determinations made and published on the basis of the intestacy rules both for realty and personalty.



BARRY CONNELL
CHIEF JUSTICE