

NENA R. PALSIS, Plaintiff
v.
KIOKEN DANIEL, Defendant
Civil Action No. 301
Trial Division of the High Court
Ponape District
January 15, 1969

Action to determine ownership of land on Kusaie Island, Ponape District. The Trial Division of the High Court, H. W. Burnett, Associate Justice, held that where a party was given use rights **only** to land in question she was not free to transfer such land to another.

Ponape Land Law-Use Rights

Where person was given only use rights to land in question, she could not transfer that land to another.

trict. On consideration of the Master's Report, and the entire record, including a transcript of all testimony taken by him, the court finds that the evidence is sufficient to support the Master's Findings in all respects. The Master's Report is therefore approved.

Yulufun was originally owned by Daniel, and, on his death, passed to his son, Kioken Daniel, the defendant in this action. In about 1947 defendant gave use rights in Yulufun to Srue, who was an adopted daughter of Daniel and the natural mother of the plaintiff. The family of Srue worked the land until 1960, when they left it following a dispute with defendant. Srue testified that her husband had given the land back at a meeting in 1960, that she agreed, but that plaintiff had refused to accept the decision.

It is plaintiff's contention that Srue had received full ownership of Yulufun, and that immediately thereafter it had been given to him. Aside from the fact that the evidence shows plaintiff to have been only 14 years old at that time, and thus extremely young to be receiving title to land, the Master found specifically that defendant had given only use rights to Srue. She was consequently not free to transfer to the plaintiff.

Whatever right the defendant may have had to retake the land by reason of a dispute not connected with it, the record is clear that plaintiff's father returned it and Srue approved.

It is, therefore, ordered, adjudged, and decreed as follows:-

1. As between these parties and all persons claiming under them, the land Yulufun, Wiya Section, Kusaie Island, Ponape District, is the property of the defendant Kioken Daniel.

2. No costs are assessed against either party.

3. The time for appeal is extended to and including March 15, 1969.