

So Homesteads Back To Court

Deeds Come, But In Dispute

By Diane Maddex
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SAIPAN — Attorneys for about 180 Saipan homesteaders yesterday went through with their threat to go to court to stop contested homestead deeds from being issued.

Although they won for their clients the right to the deeds only one month ago, Micronesian Legal Services Corp. attorneys now object to the language of the deeds prepared by the Trust Territory government.

Late yesterday they filed with the TT High Court on Saipan a motion requesting a restraining order against further issuance of the deeds until the court directs it. They also asked the court to prepare an order specifying the form the homestead deeds will take, the manner of notifying the eligible homesteaders and the manner in which the deeds are to be physically delivered to them.

Attorney Samuel Withers III also flew to Truk to present a copy of the motion to TT Chief Justice Harold W. Burnett, now sitting in that district. He indicated this would place at the

Truk District Courthouse on Moen about 9 a.m. Monday or soon thereafter.

Yesterday was the deadline set by the court for issuance of the deeds, and neat stacks of deed forms were lined up in the Marianas Land Management Office beginning at 1:30 p.m. as announced by the TT the day before.

"The office said, however, that by 4 p.m., a half-hour before quitting time, not a single homesteader had shown up to accept his deed.

If they had, they would have found MLSC representatives out in front with a hastily prepared bilingual notice advising homesteaders "not to accept your deed today." Inside, a letter from High Commissioner Edward E. Johnston seemingly advising the same negative action awaited homesteaders.

"We have studied these deeds and have decided that they are defective," says the MLSC notice to their clients. "We do not believe that the government

is granting you everything that it should in these deeds. There is also language in the deeds which could cause you trouble in the future.

"Although you may take your deed if you wish," it continues, "we are advising you not to accept your deed today... We believe this proceeding (in Truk) will compel the Government to give you a proper deed to your homestead. We hope this proceeding will be completed within one month."

The primary purpose of the HiCom's letter, he said in it, is to advise homesteaders "about the consequences of taking your quitclaim deed now."

"A survey of your homestead land has not been made," it reads. "It is probable that the present provisional description of your homestead land will not exactly cover the same land which you may have developed. It is possible that your homestead land may overlap with another's land to some

extent, which would create an encroachment by one upon the other. The other landowner may have a superior legal right to the encroached land than you do.

"Again it may be that your homestead land will be subject to the installation of public roads and water, sewer, power and telephone lines, which can be planned only after an accurate survey is completed and which are essential to the

full development of your and others' homestead lands."

The letter closes with a statement that "we cannot assure you, however, that an accurate survey will be completed before a title or encroachment problem with any of your neighbors comes to light, nor that we can then, or even after such a survey, be in a position to effectually assist in resolving any such disputes."