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Deeds Decision Expected Soon

News Saipan Bureau

SAIPAN — Following a hearing in Truk district last week, Trust Territory Chief Justice Harold W. Burnett has taken under advisement a request that he specify the form and method of delivering those approximately 180 overdue homestead deeds on Saipan. His decision is expected this week.

The court order requested by the homesteaders' attorneys on Nov. 2 would supplement the judge's Oct. 2 order requiring the TT High Commissioner to issue the deeds.

That ruling came in a class action lawsuit brought by four named homesteaders on behalf of all others eligible for deeds to their agricultural homesteads.

A restraining order prohibiting issuance of the deeds has been in effect since Nov. 5, the first working day after the deeds were put out for delivery. Micronesian Legal Services Corp., representing the homesteaders, obtained the order after objecting to the text of the specially prepared deeds and the fact that homesteaders had to pick up the deeds at the Marianas Land Management Office rather than through MLSC.

At the hearing in Truk, TT attorneys argued that the HiCom had complied with the court's original order by issuing and properly delivering valid and appropriate quitclaim deeds.

They also contended that the supplemental order being sought by MLSC would subvert the intent of the original order by extending it "to provide for the contents of the deed and the manner of delivery." The language of the deeds and manner of delivery are discretionary acts not specified in the homestead statute, they said.

MLSC asked Justice Burnett to rule that "there is no lawful reason" why the deeds involved in the present controversy should differ in any material respect from those previously issued to other TT homesteaders. Earlier deeds were granted on the basis of surveyed and mapped sites. Most of the homesteads involved in this litigation have not been surveyed.

It was recently believed by the TT that 48 of the 180 homesteads had been surveyed but not mapped. In an affidavit filed for the Truk hearing, however, Lands and Surveys Chief Kozo Yamada disclosed that a "substantial" proportion of these 48 will require resurveying.

MLSC also has asked that new deeds following a form suggested by them be issued before Nov. 20 and delivered directly to MLSC for them to deliver to their clients.

The TT has maintained that it would be improper to deliver any deeds to the homesteaders' attorneys other than those belonging to the four named plaintiffs. These four deeds were delivered to MLSC on Nov. 2 but rejected by them on the basis that all members of the class should be treated uniformly.