

CLANCY MAKRORO, Plaintiff

v.

JABLUR KOKKE, Defendant

Civil Action No. 406

Trial Division of the High Court

Marshall Islands District

December 8, 1971

See, also, 5 T.T.R. 465

Supplemental findings and judgment issued by D. Kelly Turner, Associate Justice, Trial Division of the High Court.

After the judgment was issued in this case, it was called to the court's attention that certain findings of fact and a portion of the judgment order were based upon erroneous information submitted by the plaintiff, without objection from the defendant. The third person having an interest in Komlal *Wato*, the *iroij erik*, was not a party, was not called as a witness and was given no opportunity to object to erroneous information submitted as a part of plaintiff's pre-trial claim. (See paragraph 4, Pre-Trial Memorandum and Order.) This claim, not having been contested during the trial, was included in the judgment.

The errors and their correction as set forth in this supplemental order were a matter of agreement between all of the interest holders of Komlal *Wato*, who were the parties in *Muller v. Makroro* and *Jablur*, Civil Action No. 432 [next case].

Finding of Fact No. 10 to the effect that the three interest holders had agreed upon the division between themselves of the Trust Territory condemnation payment was erroneous. The subject of Civil Action No. 432 was the determination of the appropriate division of the government payment, because no agreement had been reached.

Finding of Fact No. 13 that the payment for the *dri jermal* interest was eleven thousand one hundred eighty-eight dollars (\$11,188.00) was erroneous in that the payment was for all three interests in the *wato*. Accordingly, the second paragraph of the judgment order is ordered corrected, all parties agreeing by stipulation in connection with the trial of Civil Action No. 432, to read as follows:—

“2. The District Finance Officer is directed to pay to Clancy Makroro the *dri jermal* interest in the sum of eleven thousand one hundred eighty-eight dollars (\$11,188.00), as that interest may be determined to be; that the *alab* interest in and to said sum shall be paid to Jablur, as that interest may be determined to be; and that the remainder of said sum being the interest of the *iroij erik*, as that interest may be determined to be, shall be paid to Henry Muller.”

It is further ordered that the remainder of the Findings of Fact, the Opinion and the Judgment Order shall continue in full force and effect without correction or change.