

Roman Tmetuchl Family Trust v. Whipps, 8 ROP Intrm. 320 (2001)
ROMAN TMETUCHL FAMILY TRUST,
Appellant,

v.

SURANGEL WHIPPS,
Appellee.

CIVIL APPEAL No. 00-01
Civil Action No. 98-104

Supreme Court, Appellate Division
Republic of Palau

Argued: March 5, 2001
Remanded: May 25, 2001
Decision on Remand: June 19, 2001
Decided: June 27, 2001

Counsel for Appellant: Johnson Toribiong

Counsel for Appellee: John Rechucher

BEFORE: ARTHUR NGIRAKLSONG, Chief Justice; LARRY W. MILLER, Associate Justice;
KATHLEEN M. SALII, Associate Justice.

MILLER, Justice:

On May 25, this panel remanded this case to the Trial Division to address whether a 1981 document purporting to be a transfer of land from Ngirmekur Ksau to Roman Tmetuchl was admitted at trial for substantive purposes and, if so, what weight it had been accorded by the trial court. We retained jurisdiction over this appeal, and the Trial Division has forwarded its findings to us.

In its order dated June 19, 2001, the Trial Division stated that it had given the document no weight in making its decision because the signature on the document was never authenticated.¹ Because the only evidence before the Trial Division was that the signature on the document was not that of Ngirmekur Ksau, this finding is not clearly erroneous. *See Rechululk v. Tmilchol*, 6 ROP Intrm. 1, 2-3 (1996). Therefore, we now reject the Trust's claim that the Trial Division erred in failing to address, and to give effect to, the 1981 document.

Having previously rejected the Trust's remaining contentions, we now AFFIRM the Trial

¹ The Trial Division noted: "Counsel for Defendant did not take up opposing counsel's suggestion to introduce additional evidence on this point, or offer any reason why the signature should be considered authentic."

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Division's December 29, 1999, decision regarding the portion of land known as "Ngersung" in
Ngerusar Hamlet, Airai State, Lot No. 179.