

IN THE  
SUPREME COURT OF THE REPUBLIC OF PALAU

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IN RE AMENDMENT NO. 1            )  
TO RULES AND REGULATIONS        )        ORDER  
OF THE LAND COURT                )  
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Pursuant to the rule-making power vested in the Supreme Court, in consultation with the Land Court, by 35 PNC § 1316, Article X, § 14 of the Constitution, and 4 PNC § 101,

Rule 24 of the RULES AND REGULATIONS OF THE LAND COURT, promulgated on October 15, 1996 to take effect on October 18, 1996, is amended as follows:

“(A) Transfers of Land Owned by Persons or Entities other than Clans or Lineages. When transfer of title or interest in registered land occurs, the Senior Land Court Judge shall cancel the certificate and issue a new certificate of title to the transferee. If only a part of the land is transferred, the Land Court shall require the certificate holder to have the area to be transferred surveyed at his own expense, and a map thereof submitted to the Senior Land Court Judge. If satisfactory to the Senior Judge, a new certificate of title shall then be issued for each part of the land covered by the former certificate.

Upon receiving a request for or notice of transfer, the Senior Land Court Judge must determine that the document of transfer is properly executed and properly describes the land before canceling the existing certificate and issuing a new certificate of title. In doing so, the Senior Judge may order such notice and hearing as deemed appropriate.

The owner’s duplicate certificate must be submitted for proper cancellation upon a request for or notice of transfer. If the owner’s duplicate certificate has been lost, destroyed or is otherwise unavailable, the new owner may request the Land Court to issue a replacement duplicate certificate. Such request shall be by petition under oath. The replacement certificate shall include a statement that it is issued in place of a lost or destroyed certificate.

(B) Transfers of Land Owned by a Clan or Lineage. The procedures for transferring land owned by a clan or lineage shall be governed by section (A) except that no certificate of title based on a transfer of such land shall issue unless notice has been given that any strong senior member of the lineage or clan may object to the transfer by filing an objection with the Land Court by a specified date which is 30 days after notice is posted as required by section (B)(1). The notice shall describe the land to be transferred and shall indicate the identity of the transferee and the persons acting for the clan or lineage in the transfer. Notice shall be given as follows:

(1) by posting notice for at least 30 days in both English and the principal local language of the state in which the land is located at the Post Office, the Office of the Clerk of the Supreme Court in Koror, the Land Court, and in the state office and the principal meeting place in the village in which or nearest to which the land is located; and

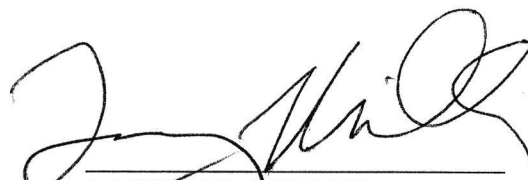
(2) by placing an advertisement to appear within the 30 days specified in section (B)(1) and in the languages specified in section (B)(1) on a local Koror radio station and in a local newspaper.

(C) Transfers of Land by Will or Inheritance. Transfers of interests in land by will or by inheritance shall be determined by the Trial Division of the Supreme Court. Upon determination by the Trial Division of the proper devisee or heir, the Trial Division shall order the Land Court to cancel the decedent's duplicate certificate and the original certificate bound in the permanent register and to issue a new original certificate and duplicate certificate in favor of the devisee or heir.

The Land Court may establish a fee schedule and charge for issuance of new or replacement certificates."

SO ORDERED THIS 8<sup>th</sup> DAY OF October, 2001

  
ARTHUR NGIRAKLSONG  
Chief Justice

  
LARRY W. MILLER  
Associate Justice

  
R. BARRIE MICHELSEN  
Associate Justice

  
KATHLEEN M. SALII  
Associate Justice