

KASPARA LIKOP (Successor to **PIO** L. Deceased), Plaintiff

v.

ANIPICH, NIKOCHON, WESEN, and KURUR, Defendants

Civil Action No. 318

Trial Division of the High Court

Truk District

January 31, 1969

Action to determine boundaries. The Trial Division of the High Court, H. W. Burnett, Associate Justice, held that Master's Findings were supported by the weight of the evidence and the Master's Report was approved.

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BURNETT, *Associate Justice*

This matter comes before the court upon Master's Report entered by the Honorable Olaf W., Associate Judge

of the Truk District Court. The original plaintiff, now deceased, initially filed three separate actions, all of which involved dispute as to boundaries between lands owned by him and abutting lands owned by the captioned defendants. The first complaint was filed March 24, 1964, and upon pre-trial hearing, July 14, 1964, all three actions were consolidated and referred to the Master. The Master filed his report October 6, 1965. Oral argument was heard before a former Associate Justice of the High Court, apparently in May of 1966, and the matter then taken under advisement. There followed an Order for Survey entered on April 11, 1967, an Amended Order for Survey on May 1, 1967, and a further order entered March 11, 1968, which ordered substitution of the party plaintiff, renewed the Order for Survey, and struck the prior order that the case be under submission.

Having reviewed the entire matter as reflected by the record, and the commendably thorough Master's Report, including a transcript of the testimony taken by the Master, I have concluded that no good purpose would be served by further delay, either to await surveyor re-referral to the Master, and, accordingly, proceed to determine the matter on the basis of the Master's Report filed over three years ago.

Following taking of extensive testimony offered by all parties and their witnesses, the Master proceeded to personally view, in company with the parties, the boundaries claimed by each of the parties. On the basis of the testimony and his personal examination of the scene, he made a determination as to the proper boundaries in each of the disputed areas. His determinations are shown on precise sketches attached to his report. Upon a thorough review of all of the evidence, I conclude that the Master's Findings are amply supported by the weight of the evidence and the report is, therefore, approved.

It is, therefore, ordered, adjudged, and decreed:-

1. The boundary between the land NEMOK, owned by the plaintiff, and the lands FAITOU and NEURARENG, owned by the defendant Anipich, is as shown on the Master's sketch marked "CA 318 'A'".

2. The boundary between that portion of the land NISOK owned by the plaintiff and that portion of Nisok owned by the defendants Nikochon and Wesen, and the land NEEP owned by the intervenor Kurur, is as shown on the Master's sketch designated as "CA 318 'B'".

3. The boundary between the land NISOK, owned by the plaintiff, and the land EPINKACHAU, owned by defendant Anipich, is as shown on the Master's sketch designated "CA 318 'C'".

4. No costs are assessed against any party.