

MIKEL SAM, Plaintiff

v.

MARIA SAM, Defendant

Civil Action No. 347

Trial Division of the High Court

Ponape District

December 26, 1968

*See, also, 4 T.T.R. 182, 3 T.T.R. 203*

Domestic relations action. The Trial Division of the High Court, H. W. Burnett, Associate Justice, held that as no good purpose would be served by permitting the relationship of the parties to be confused by the maintenance of a multiplicity of actions the present action would be dismissed.

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BURNETT, *Associate Justice*

The above-captioned action is the latest in a series of litigation involving these parties, which began with filing a complaint, Ponape District Court Civil Action No. 885, October 14, 1965. The court, in that action, entered a Decree of Separation and ordered payment of child support, which order was set aside by Associate Justice Goss on jurisdictional grounds in High Court Civil Action No. 306, 3 T.T.R. 203.

Judge Goss thereafter entered an order in Civil Action No. 306 for temporary support, which order was subsequently suspended by Chief Justice Furber, pending receipt of a Master's Report on the question of the ability of Mikel Sam to pay the amount of support ordered.

While the Master's Report was still awaiting action by the High Court, Mikel Sam, defendant in the original District Court action and in High Court Civil Action No. 306, 3 T.T.R. 203, filed a petition for divorce, Civil Action No. 321, which was dismissed by Chief Justice Shoecraft on March 18, 1968, on the basis of reconciliation of the

parties. This order of dismissal followed by six days an order for support entered by the Chief Justice in Civil Action No. 306, 3 T.T.R. 203, which also transferred the matter to the District Court for enforcement of the order, which was expressly to continue "until the further order of a court of competent jurisdiction".

While it is not necessary, for purposes of this action, to make any final determination, I note that the order of March 18, 1968, entered in Civil Action No. 321 involving the same parties, might well be just such a "further order" and thus have suspended any continuing obligation for the support payments there ordered.

In any event, it is clear that no final order determining the status of the parties has been entered in Civil Action No. 306, 3 T.T.R. 203, and that no good purpose would be served by permitting the relationship of the parties to be further confused by the maintenance of a multiplicity of actions. No purpose can be served by Civil Action No. 347 which could not be met equally well by an appropriate order in Civil Action No. 306, 3 T.T.R. 203, and Ponape District Civil Action No. 347 is therefore dismissed.

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ICHIRO BENJAMIN, Plaintiff

v.

KULIO OLMOS and TATASY SANTOS, Defendants

Civil Action No. 299

Trial Division of the High Court

Ponape District

December 30, 1968

Action to determine ownership to land in Nett Municipality, Ponape District. The Trial Division of the High Court, H. W. Burnett, Associate Justice, held that evidence established that defendant, oldest surviving brother' of former titleholder, succeeded as owner of land subject to all of the terms and conditions imposed upon such ownership by the terms of the German Land Deed.