

In re Estate of Adelbeluu, 3 ROP Intrm. 58 (1991)
**IN THE MATTER OF THE ESTATE OF BAULECHONG ADELBELUU,
a/k/a BAULECHONG EMAUTHELNGAL,
Deceased.**

CIVIL APPEAL NO. 17-90
Consolidated Civil Action Nos. 229-88, 434-88, & 708-88

Supreme Court, Appellate Division
Republic of Palau

Appellate decision
Decided: November 16, 1991

Counsel for Appellants: Moses Uludong

Counsel for Appellees: Gillian T. Tellames

BEFORE: LOREN A. SUTTON, Associate Justice; ARTHUR NGIRAKLSONG, Associate Justice; EDWARD C. KING, Associate Justice

SUTTON, Associate Justice:

The trial court's judgment, entered on August 13, 1990, held that appellant failed to prove by a preponderance of the evidence that he is a member of the Ucheliou clan. In a subsequent order dated September 25, 1990, the trial court appointed Mr. Renguul Basiou to distribute War Claims Award 08400-01 among members of the Ucheliou clan.

Appellant argues that the trial court erred by: 1) ruling that appellant failed to prove his Clan membership; and 2) declaring Renguul Basiou as successor to Adelbeluu and by authorizing him to distribute war claims money.

159 A. CLAN MEMBERSHIP

Appellant's first ground for appeal is based solely upon the trial court's findings of fact and weighing of the evidence. ROP Civ. Pro. 52(a) provides that: "Findings of fact shall not be set aside unless clearly erroneous, and due regard shall be given to the opportunity of the trial court to judge the credibility of the witnesses." *Benged Riumd, et al. v. Masae Tanaka & Mobel Delemel*, 1 ROP 597 (App. Div. April 1989), and cases cited therein.

Lalou v. Aliang, 1 TTR 94 (1954), and *Medaliwal v. Irewei*, 2 TTR 546 (1964), cited by appellant for the proposition that clan membership cannot be lost, have no application to this appeal. The trial court did not hold that appellant lost his status as a clan member. It held only that appellant failed to prove that he was a member. If we were to apply the cases as urged, it would shift the burden of proof to defendants and require them to prove that appellant is not a clan member. Appellant cites no authority for this proposition with good reason: there is none.

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We have thoroughly examined the record below, including the testimony of all witnesses, and find that the trial court's findings of fact, conclusions and weighing of the evidence are not clearly erroneous.

¶60 B. APPOINTMENT OF MR. BASIOU AS ADELBELUU AND APPOINTING HIM TO DISTRIBUTE WAR CLAIMS MONEY

The trial court's Ruling and Order stated: "The Court proposes to appoint Mr. Renguul Basiou, who is the apparent successor to the title of Adelbeluu, to distribute War Claims" (emphasis supplied). The trial court did not appoint an Adelbeluu and therefore committed no error.

The Judgment of the trial court is AFFIRMED.