

Masters v. Paulis, 7 ROP Intrm. 148 (1999)

**OSHIRO MASTERS,
Appellant,**

v.

**CHRISTINA PAULIS,
Appellee.**

CIVIL APPEAL NO. 15-97
D.O. NO. 07-89

Supreme Court, Appellate Division
Republic of Palau

ARGUED: February 8, 1999
DECIDED: February 9, 1999

Counsel for Appellant: Johnson Toribiong

Counsel for Appellee: Lourdes Materne

BEFORE: ARTHUR NGIRAKLSONG, Chief Justice; JEFFREY L. BEATTIE, Associate Justice; LARRY W. MILLER, Associate Justice

BEATTIE, Justice:

This is an appeal from a decision of the Land Court which concluded that appellee Christina Paulis is the owner of property in Airai State known as Dudiu.¹ We affirm.

Appellee testified that Dudiu was the individual property of Ngeloich during the Japanese Administration of Palau, and that Ngeloich had given the land to Paulis before Ngeloich died. Paulis was appellee's father, and appellee claimed that she and her siblings inherited the land when Paulis died.

¶149 Appellant is the male title bearer of the Bars Clan of Oikull Hamlet. He and one other witness testified that, although Ngeloich had lived on Dudiu, the land was owned by Bars Clan and Ngeloich was only a trustee for the Clan. Thus, according to the appellant, the land is owned by Bars Clan.

The Land Court, after hearing the testimony and observing the witnesses, found appellee's testimony to be more credible than appellant's and therefore awarded the land to appellee.

We review the Land Court's findings of fact under the clearly erroneous standard. *Tesei*

¹ The land is in Oikull Hamlet and has been designated as Worksheet Lot No. N-010.

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v. Belechal, Civ. App. 14-97 (July 30, 1998). Under that standard, if the factual findings are supported by evidence from which a reasonable trier of fact could have reached the same conclusion, the findings will not be set aside unless we are left with a firm and definite conviction that a mistake has been made. *Osarch v. Wasisang*, 7 ROP Intrm. 82 (1998).

On the record presented, we cannot say that the Land Court's findings are clearly erroneous. Accordingly, the determination of the Land Court is AFFIRMED.