

A BILL FOR AN ACT

Relating to the repeal of Title 16, Chapter 2 of the Kosrae State Code and proposing coding for a new Title 16, Chapter 2 of the Kosrae State Code to create a new Probate Code for the State of Kosrae.

BE IT ENACTED BY THE KOSRAE STATE LEGISLATURE:

1 Section 1. Findings and Purpose. The Legislature has determined that
2 the Probate laws of the State of Kosrae are unclear and that it is necessary to consolidate
3 jurisdiction for all matters relating to Probate with the Kosrae State Court. Presently, the
4 Determination of Inheritance is being determined by the Land Court pursuant to a
5 General Court Order of that court and the Legislature has determined that the Probate
6 laws need to be codified and included in the Kosrae State Code.

7 Section 2. Repeal. Title 16, Chapter 2 of the Kosrae State Code is
8 repealed.

9 Section 3. New Coding. Coding is proposed for a new Title 16, Chapter 2 of
10 the Kosrae State Code, entitled “Probate” to read as follows:

11 “PART I – WILLS & INTESTACY

12 16.201 Short Title. This Act shall be known, and may be cited as the
13 Kosrae Probate Code Act of 2006.

14 16.202 Definitions. When used in this Act, the following words shall
15 have meanings as defined below, unless otherwise required by the context:

16 (1) “Administrator” means the person appointed by the Court to
17 manage, administer and settle decedent’s affairs and distribute the
18 decedent’s estate.

19 (2) “Child” includes any individual entitled to take as a child under
20 law by intestate succession from the parent whose relationship is
21 involved including adopted children and excludes any person who
22 is only a stepchild, a foster child, a grandchild or any more remote
23 descendant.

24 (3) "Claims" includes liabilities of the decedent whether arising in
25 contract or otherwise and liabilities of the estate which arise after

1 the death of the decedent including funeral expenses and expenses
2 of administration. The term does not include taxes, demands or
3 disputes regarding title of a decedent to specific assets alleged to
4 be included in the estate, tort claims, foreclosure of mechanic's
5 liens.

6 (4) “Court” means the Kosrae State Court.

7 (5) “Decedent” means the person who has died and whose affairs and
8 estate are the subject of the Probate proceeding.

9 (6) “Descendant” of an individual means all of the individual's
10 descendants of all generations, with the relationship of parent and
11 child at each generation being determined by the definition of child
12 and parent contained in this section.

13 (7) “Devise” when used as a noun, means a testamentary disposition
14 of real or personal property and when used as a verb, means to
15 dispose of real or personal property by will.

16 (8) “Devisee” means any person designated in a will to receive a
17 devise. In the case of a devise to an existing trust or trustee, or to a
18 trustee on trust described by will, the trust or trustee is the devisee
19 and the beneficiaries are not devisees.

20 (9) “Estate” includes all of the property of the decedent as originally
21 constituted and as it exists from time to time during administration.

22 (10) “Fiduciary” includes personal representative, guardian, conservator
23 and trustee.

24 (11) “Foreign personal representative” means a personal representative
25 of another jurisdiction.

- 1 (12) “Formal proceedings” means those conducted before a judge with
2 notice to interested persons.
- 3 (13) “Guardian” means a person who has qualified as a guardian of a
4 minor or incapacitated person pursuant to testamentary or court
5 appointment, but excludes one who is merely a guardian ad litem.
- 6 (14) “Heirs” means those persons, including the surviving spouse, who
7 are entitled under the statutes of intestate succession to the
8 property of a decedent.
- 9 (15) “Interested persons” includes heirs, devisees, children, spouses,
10 creditors, beneficiaries and any others having a property right in or
11 claim against the estate of a decedent, ward or protected person
12 which may be affected by the proceeding. It also includes persons
13 having priority for appointment as personal representative, and
14 other fiduciaries representing interested persons. The meaning as it
15 relates to particular persons may vary from time to time and must
16 be determined according to the particular purposes of, and matter
17 involved in, any proceeding.
- 18 (16) “Lease” includes oil, gas, or other mineral lease.
- 19 (17) “Mortgage” means any conveyance, agreement or arrangement in
20 which property is used as security.
- 21 (18) “Nonresident decedent” means a decedent who was domiciled in
22 another jurisdiction at the time of death.
- 23 (19) “Organization” includes a corporation, government or
24 governmental subdivision or agency, business trust, estate, trust,
25 partnership or association, two or more persons having a joint or

- 1 common interest, or any other legal entity.
- 2 (20) “Per stirpes distribution” means the division of an estate equally
3 among the members of the group of descendants having a
4 particular degree of kinship (as children), with the issue (that is,
5 the offspring) of a deceased member of that group representing the
6 deceased member, taking the deceased member's share, and
7 dividing it equally among themselves.
- 8 (21) “Person” means an individual, a corporation, an organization, or
9 other legal entity.
- 10 (22) “Personal representative” includes executor, administrator,
11 successor personal representative, special administrator, and
12 persons who perform substantially the same function under the law
13 governing their status.
- 14 (23) “Petition” means a written request to the court for an order after
15 notice.
- 16 (24) “Proceeding” includes action at law and suit in equity.
- 17 (25) “Property” includes both real and personal property or any interest
18 therein and means anything that may be the subject of ownership.
- 19 (26) “Settlement” in reference to a decedent's estate, includes the full
20 process of administration, distribution and closing.
- 21 (27) “Testacy proceeding” means a proceeding to establish a will or
22 determine intestacy.
- 23 (28) “Will” includes codicil and any testamentary instrument which
24 merely appoints an executor or revokes or revises another will.
- 25 16.203 Application. Except as otherwise provided in this chapter, this

1 chapter applies to

2 (1) The affairs and estates of decedents domiciled in this state; and

3 (2) The property of nonresident decedents located in this state or

4 property coming into the control of a fiduciary who is subject to

5 the laws of this state.

6 16.204 Intestate estate. The intestate estate of the decedent consists

7 of any part of the decedent's estate not disposed of by will. The intestate estate

8 passes by intestate succession to the decedent's spouse or descendants and heirs as

9 prescribed in this chapter, except as modified by the decedent's will. A decedent

10 may by will expressly exclude or limit the right of an individual or class to

11 succeed to property of the decedent passing by intestate succession. If that

12 individual or a member of that class survives the decedent, the share of the

13 decedent's intestate estate to which that individual or class would have succeeded

14 passes as if that individual or each member of that class had disclaimed an

15 intestate share.

16 16.205 Share of the spouse. The intestate share of a decedent's surviving

17 spouse is:

18 (1) The entire intestate estate if:

19 (a) no descendant of the decedent survives the decedent; or

20 (b) all of the decedent's surviving descendants are also

21 descendants of the surviving spouse and there is no other

22 descendant of the surviving spouse who survives the

23 decedent;

24 (2) The first \$150,000, plus one-half of any balance of the intestate

25 estate, if all of the decedent's surviving descendants are also

26 descendants of the surviving spouse and the surviving spouse has

1 one or more surviving descendants who are not descendants of
2 the decedent, or if one or more of the decedent's surviving
3 descendants are not descendants of the surviving spouse.

4 16.206 Share of heirs other than surviving spouse. Any part of
5 the intestate estate not passing to the decedent's surviving spouse, or the entire
6 intestate estate if there is no surviving spouse, passes in the following order to the
7 individuals designated below who survive the decedent:

- 8 (1) To the decedent's descendants by representation per stirpes;
- 9 (2) If there is no surviving descendant, to the decedent's parents
10 equally if both survive, or to the surviving parent;
- 11 (3) If there is no surviving descendant or parent, to the descendants of
12 the decedent's parents or either of them by representation;
- 13 (4) If there is no surviving descendant, parent, or descendant of a
14 parent, but the decedent is survived by one or more grandparents or
15 descendants of grandparents, half of the estate passes to the
16 decedent's paternal grandparents equally if both survive, or to the
17 surviving paternal grandparent, or to the descendants of the
18 decedent's paternal grandparents or either of them if both are
19 deceased, the descendants taking by representation; and the other
20 half passes to the decedent's maternal relatives in the same manner;
21 but if there is no surviving grandparent or descendant of a
22 grandparent on either the paternal or the maternal side, the entire
23 estate passes to the decedent's relatives on the other side in the
24 same manner as the half;
- 25 (5) If there is no surviving descendant, parent, descendant of a parent,

1 grandparent, or descendant of a grandparent, to the next of kin in
2 equal degree, except that when there are two or more collateral
3 kindred in equal degree claiming through different ancestors, those
4 who claim through the nearest ancestor shall take to the exclusion
5 of those claiming through an ancestor more remote.

6 16.207 Requirement that heir survive decedent for 120 hours. An
7 individual who fails to survive the decedent by 120 hours is deemed to have
8 predeceased the decedent for purposes of homestead, exempt property, and
9 intestate succession, and the decedent's heirs are determined accordingly. If it is
10 not established that an individual who would otherwise be an heir survived the
11 decedent by 120 hours, it is deemed that the individual failed to survive for the
12 required period. This section is not to be applied if its application would result in
13 a taking of intestate estate by the State under this Act.

14 16.208 No taker. If there is no taker under the provisions of this Act,
15 the intestate estate passes to the State.

16 16.209 Advancements.

17 (1) If an individual dies intestate as to all or a portion of an estate,
18 property the decedent gave during the decedent's lifetime to an
19 individual who, at the decedent's death, is an heir is treated as an
20 advancement against the heir's intestate share only if:

21 (a) the decedent declared in a contemporaneous writing or the
22 heir acknowledged in writing that the gift is an
23 advancement; or

24 (b) the decedent's contemporaneous writing or the heir's
25 written acknowledgment otherwise indicates that the gift is

1 to be taken into account in computing the division and
2 distribution of the decedent's intestate estate.

3 (2) For purposes of paragraph (1), property advanced is valued as of
4 the time the heir came into possession or enjoyment of the property
5 or as of the time of the decedent's death, whichever first occurs.

6 (3) If the recipient of the property fails to survive the decedent, the
7 property is not taken into account in computing the division and
8 distribution of the decedent's intestate estate, unless the decedent's
9 contemporaneous writing provides otherwise.

10 16.210 Debts to decedent. A debt owed to a decedent is not charged
11 against the intestate share of any individual except the debtor. If the debtor fails to
12 survive the decedent, the debt is not taken into account in computing the intestate
13 share of the debtor's descendants.

14 16.211 Meaning of child and related terms. If, for purposes of intestate
15 succession, a relationship of parent and child must be established to determine
16 succession by, through, or from a person:

17 (1) An adopted person is the child of an adopting parent and not of the
18 birth parents except that adoption of a child by the spouse of a
19 birth parent has no effect on the relationship between the child and
20 that birth parent. If a parent dies and a child is subsequently
21 adopted by a stepparent who is the spouse of a surviving parent,
22 any rights of inheritance of the child or the child's descendant from
23 or through the deceased parent of the child which exist at the time
24 of the death of that parent shall not be affected by the adoption.

25 (2) In cases not covered by paragraph (1), a person is the child of the

1 person's parents regardless of the marital status of the parents.

2 16.212 Who may make a will. Any person 18 or more years of age
3 who is of sound mind may make a will.

4 16.213 Wills. An adult of sound mind may validly dispose of property by
5 will in the three following ways, subject to the limitations in this chapter:

6 (1) A written witnessed will;

7 (2) An oral will; and [or]

8 (3) A self-written unwitnessed will.

9 A will disposes only of property which at the time of his death the testator has a
10 right to dispose of without the consent of another person.

11 16.214 Written witnessed will. A written witnessed will bears the
12 signatures of the testator and of at least two attesting witnesses. The testator
13 signifies to the attesting witnesses that the instrument is his will and, in the
14 presence of the witnesses:

15 (1) Either signs the will; or

16 (2) Acknowledges his signature already appearing on the will; or

17 (3) At his direction and in his presence has someone else sign his
18 name on the will on his behalf.

19 16.215 Self-written unwitnessed will. In a valid self-written
20 unwitnessed will the signature and all material provisions of the will are in the
21 testator's handwriting which two witnesses verify, if later contested. A witness to
22 the writing or signing of the will is not required.

23 16.216 Oral will. An oral will is valid only if made by a person in
24 imminent peril of death, whether from illness or otherwise, and if:

25 (1) The testator dies as a result of the peril.

1 (2) The testator declares it to be his will before two disinterested
2 witnesses and the Court receives the will for probate within six
3 months following the testator's death unless for good cause the
4 Court permits it to be submitted later.

5 An oral will may dispose of personal property only and to an aggregate value not
6 exceeding one thousand dollars. An oral will neither revokes nor changes an
7 existing written will.

8 16.217 Witness.

9 (1) A person competent to be a witness by Court rule may be an
10 attesting witness to a will.

11 (2) An attesting witness is interested if the will provides him a
12 personal beneficial interest.

13 (3) A will is valid although attested by an interested witness. Unless
14 two disinterested witnesses also attest a will, an interested witness
15 forfeits that portion of the provision made for him in the will which
16 exceeds in value, at testator's death, what he would have received
17 if the testator died intestate.

18 16.218 Wills executed outside the State. A will executed outside the
19 State in a manner provided by (1) this chapter, (2) the law of the place of its
20 execution, or (3) the law of the testator's domicile at the time of its execution, has
21 the same force and effect in the State as if executed in the State in compliance
22 with this chapter.

23 16.219 Application. This chapter does not apply to wills executed before
24 the Code takes effect.

25 16.220 Revocation by writing or by act.

1 (1) A will or any part thereof is revoked:

2 (a) by executing a subsequent will that revokes the previous
3 will or part expressly or by inconsistency; or

4 (b) by performing a revocatory act on the will, if the testator
5 performed the act with the intent and for the purpose of
6 revoking the will or part or if another individual performed
7 the act in the testator's conscious presence and by the
8 testator's direction. For purposes of this clause, "revocatory
9 act on the will" includes burning, tearing, canceling,
10 obliterating, or destroying the will or any part of it. A
11 burning, tearing, or canceling may be a "revocatory act on
12 the will," whether or not the burn, tear, or cancellation
13 touched any of the words on the will.

14 (2) If a subsequent will does not expressly revoke a previous will, the
15 execution of the subsequent will wholly revokes the previous will
16 by inconsistency if the testator intended the subsequent will to
17 replace rather than supplement the previous will.

18 The testator is presumed to have intended a subsequent will to replace rather than
19 supplement a previous will if the subsequent will makes a complete disposition of
20 the testator's estate. If this presumption arises and is not rebutted by clear and
21 convincing evidence, the previous will is revoked; only the subsequent will is
22 operative on the testator's death.

23 16.221 Separate writing identifying bequest of tangible property. A will
24 may refer to a written statement or list to dispose of items of tangible personal
25 property not otherwise specifically disposed of by the will, other than money and

1 coin collections, and property used in trade or business. To be admissible under
2 this section as evidence of the intended disposition, the writing must be referred to
3 in the will, must be either in the handwriting of the testator or be signed by the
4 testator, and must describe the items and the devisees with reasonable certainty.
5 The writing may be referred to as one to be in existence at the time of the
6 testator's death; it may be prepared before or after the execution of the will; it may
7 be altered by the testator after its preparation; and it may be a writing which has
8 no significance apart from its effect upon the dispositions made by the will.

9 A writing may include multiple writings and if an item of tangible
10 personal property is disposed of to different persons by different writings, the
11 most recent writing controls the disposition of the item.

12 16.222 Will may pass all property and after-acquired property. A will
13 may provide for the passage of all property the testator owns at death and all
14 property acquired by the estate after the testator's death.

15 16.223 Nonexoneration. A specific devise passes subject to any
16 mortgage or security interest existing at the date of death, without right of
17 exoneration, regardless of a general directive in the will to pay debts.

18 16.224 Effect of dissolution of marriage, annulment. A person
19 whose marriage to the decedent has been dissolved or annulled is not a surviving
20 spouse unless, by virtue of a subsequent marriage, the person is married to the
21 decedent at the time of death.

22 16.225 Effect of homicide on intestate succession, wills, joint assets and
23 beneficiary designations.

24 (1) A surviving spouse, heir or devisee who feloniously and
25 intentionally kills the decedent is not entitled to any benefits under

1 the will or under this article, including an intestate share, an
2 elective share, an omitted spouse's or child's share, homestead,
3 exempt property, and a family allowance, and the estate of
4 decedent passes as if the killer had predeceased the decedent.
5 Property appointed by the will of the decedent to or for the benefit
6 of the killer passes as if the killer had predeceased the decedent.

7 (2) A named beneficiary of a life insurance policy who feloniously and
8 intentionally kills the person upon whose life the policy is issued is
9 not entitled to any benefit under the policy and the proceeds of the
10 policy shall be paid and distributed by order of the court

11 (a) a final judgment of conviction of felonious and intentional
12 killing is conclusive for purposes of this section. In the
13 absence of a conviction of felonious and intentional killing
14 the court may determine by a preponderance of evidence
15 whether the killing was felonious and intentional for
16 purposes of this section.

17 16.226 Revocation by dissolution of marriage. Except as provided by
18 the express terms of a governing instrument, the dissolution or annulment of a
19 marriage revokes any revocable:

20 (1) Disposition, beneficiary designation, or appointment of property
21 made by an individual to the individual's former spouse in a
22 governing instrument;

23 (2) Provision in a governing instrument conferring a general or
24 nongeneral power of appointment on an individual's former
25 spouse; and

1 (3) Nomination in a governing instrument, nominating an individual's
2 former spouse to serve in any fiduciary or representative capacity,
3 including a personal representative, executor, trustee, conservator,
4 agent, or guardian.

5 PART II – PROCEDURES

6 16.227 Verification of filed documents.

7 (1) Every document filed with the court under this chapter shall be
8 verified except where the requirement of verification is waived by
9 rule and except in the case of a pleading signed by an attorney in
10 accordance with the Rules of Civil Procedure. Whenever a
11 document is required to be verified:

12 (a) such verification may be made by the unsworn written
13 declaration of the party or parties signing the document that
14 the representations made therein are known or believed to
15 be true and that they are made under penalties for perjury,
16 or

17 (b) such verification may be made by the affidavit of the party
18 or parties signing the document that the representations made therein are
19 true or believed to be true.

20 (2) A party who makes a false material statement not believing it to be
21 true in a document the party verifies in accordance with the
22 preceding sentence and files with the court under this chapter shall
23 be subject to the penalties for perjury.

24 16.228 Pleadings; when parties bound by others; notice.

25 (1) In formal proceedings involving estates of decedents and in

1 judicially supervised settlements, the following apply:

2 (a) interests to be affected shall be described in pleadings
3 which give reasonable information to owners by name or
4 class, by reference to the instrument creating the interests,
5 or in other appropriate manner.

6 (b) orders binding a personal representative bind persons
7 interested in the undistributed assets of a decedent's estate
8 in actions or proceedings by or against the estate.

9 (2) Notice is required as follows:

10 (a) Notice shall be given to every interested person or to one
11 who can bind an interested person. Notice may be given
12 both to a person and to another who may bind the person.

13 (b) Notice is given to unborn or unascertained persons, by
14 giving notice to all known persons whose interests in the
15 proceedings are substantially identical to those of the
16 unborn or unascertained persons.

17 (c) at any point in a proceeding, a court may appoint a
18 guardian ad litem to represent the interest of a minor, an
19 incapacitated, unborn, or unascertained person, or a person
20 whose identity or address is unknown, if the court
21 determines that representation of the interest otherwise
22 would be inadequate.

23 16.229 Procedure for Administration of Estates. Upon the
24 death of the decedent, an Administrator of the Decedent's estate shall be
25 appointed by the Kosrae State Court to manage, administer and settle decedent's

1 affairs and distribute the decedent's estate.

2 16.230 Petition for Appointment as Administrator of Estate.

3 (1) A person seeking to be appointed as the Administrator of the
4 Decedent's estate shall file a Verified Petition for Appointment of
5 Administrator of Estate. The Respondents include all Heirs of the
6 Decedent, other than the Petitioner.

7 (2) The Verified Petition shall state the following information:

8 (a) name and date of death of the Decedent, and Decedent's
9 place of residence at the time of death.

10 (b) name, address and basis of appointment of the person for
11 whom appointment as administrator is sought.

12 (c) relationship or interest of the Petitioner to the Decedent.

13 (d) that the Petitioner has reached the age of majority, has not
14 been adjudged by a Court to be an incapacitated person,
15 and that the person is qualified to serve as administrator.

16 (e) names and addresses of any surviving spouse, children and
17 any other heirs of the Decedent.

18 (f) a statement of the nature and value of the Decedent's
19 estate. The Decedent's estate shall be considered to include
20 all personal and real property which the Decedent, at the
21 time of his or her death, had the right to dispose of without
22 the consent of another person.

23 (g) a copy of the Decedent's last written will, if one made.

24 (h) a statement regarding Decedent's last oral will, if one was
25 made.

1 (3) The Verified Petition shall be signed under oath by the Petitioner
2 and be notarized. A copy of the Decedent's death certificate shall be
3 attached to the Verified Petition.

4 16.231 Consent of heirs or devisees to appointment. Any heir or
5 devisee of the Decedent may execute a Written Consent for the appointment of
6 the Petitioner as Administrator of the Decedent's Estate. The Written Consent
7 shall be filed.

8 16.232 Service of Petition. The Verified Petition shall be served upon
9 all Respondents who did not execute and file a Written Consent. Service shall be
10 made pursuant to KRCF Rule 5.

11 16.233 Notice to Claimants.

12 (1) Petitioner shall post a copy of the Verified Petition at the FSM Post
13 Office, Kosrae Station in Tofol and at the Municipal Office of the
14 municipality of the Decedent's last residence.

15 (a) the notice must be posted for a minimum period of twenty
16 (20) days.

17 (2) Petitioner shall post a notice which states that any
18 objections to the Verified Petition for Appointment of
19 Administrator must be filed with the Court within twenty
20 (20) days and that any claims against the Decedent shall be
21 served upon the Petitioner or the Administrator as soon as
22 possible.

23 (3) The Petitioner shall file a Certificate of Service and
24 Posting.

25 16.234 Hearing on the Petition. Not less than twenty (20) days after

1 the date of posting and after date of service of the Verified Petition upon the
2 Respondents, the matter shall then be set for hearing by the Clerk of Court on the
3 regular calendar. The Petitioner shall attend the hearing. The Respondents shall
4 be served notice of the hearing and be given an opportunity to be heard.

5 16.235 Objections to the Petition. Any objection to the Verified
6 Petition by a Respondent or any other person, or any claim made against the
7 Decedent may be made in writing and filed prior to the hearing. Any objection to
8 the Verified Petition may also be made verbally at the hearing. Failure to object
9 to the Verified Petition prior to, or at the hearing may be considered a waiver of
10 objection to the Verified Petition.

11 16.236 Expedited Hearing. If an expedited hearing is requested, a
12 Motion for an Expedited Hearing shall be filed. The Motion shall include the
13 reason for requesting the expedited hearing. In the sole discretion of the Court,
14 an expedited hearing may be granted by the Court. An expedited hearing shall be
15 granted upon the filing of a Written Consent by all Respondents, or for such other
16 good cause as may be determined by the Court. Petitioner shall attend the
17 expedited hearing. Respondents shall be given notice of the hearing and be given
18 an opportunity to be heard.

19 16.237 Order Appointing Administrator. Upon granting the Petition
20 for Appointment, an Order Appointing Administrator shall be entered. The
21 standard form of the Order Appointing Administrator is attached hereto. The
22 Court shall prepare the Order Appointing Administrator. In order to expedite the
23 entry of the Order, the Petitioner or his counsel may prepare the Order Appointing
24 Administrator for submission to the Court for approval. An Order Appointing
25 Administrator submitted to the Court by the Petitioner or counsel must conform to

1 the attached standard form for Order Appointing Administrator. Any submission
2 which does not conform to the standard form shall not be approved by the Court.

3 (1) The Order Appointing Administrator may limit the authority of the
4 Administrator to settle and distribute only certain property of the
5 Decedent. Determination of inheritance and transfer of title to real
6 property is subject to Kosrae State Code, Title 11, Chapter 6.
7 16.238 Duties of the Administrator. The duties of the Administrator
8 include the following:

9 (1) Manage, settle and distribute Decedent's personal property in
10 accordance with the Decedent's last will, custom and tradition,
11 state or national law, or as in the best interests of the estate;

12 (2) Assess and satisfy any claims brought against the Decedent's
13 estate;

14 (3) Assess and bring any claims on behalf of the Decedent's estate.

15 16.239 Settlement of the Estate. Following appointment, the Administrator
16 shall proceed expeditiously with settlement and distribution of the Decedent's estate,
17 without any further order from the Court. The Administrator may invoke the
18 jurisdiction of this Court to resolve any issues concerning the Decedent's estate or its
19 administration.

20 (1) The Kosrae State Court may issue orders determining the
21 settlement and distribution of Decedent's estate including real
22 property.

23 (2) An order issued by the Kosrae State Court determining the
24 settlement and distribution of real property that is part of the
25 Decedent's estate shall be admissible in Land Court proceedings

