



Talimatau

Roy J. D. Hall Research

Re-do of the Stevenson Firm
Title Research Work

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August 24, 1977

Mr. James Kneubuhl
Suite 1808
600 South Commonwealth Ave.
Los Angeles, California 90005

Re: KNEUBUHL LAND IN WESTERN SAMOA
TALIMATAU AND FOGAIOFU
(Corp. File 19.10)

Dear Jim:

I am in receipt of your letter dated August 8, 1977. In response to the points raised in your letter I wish to state that:

1. I know that these land matters have been prolonged, but I hope you appreciate the complexity of the Western Samoa properties which I know will eventually be resolved. It would be imperative, if possible within the near future, to have you travel with me to Western Samoa to discuss the matters, i.e., partitioning of Talimatau, gift taxes, death taxes, land transfer laws, etc., with the solicitor in Western Samoa to establish a definite plan to complete the estate matters of Lena in Western Samoa and to set up a definite time table.

2. As to my letter of May 26, 1977, I was approached by the solicitor representing Maiava and was asked whether the named 1/5 owners of Talimatau would each transfer a sufficient interest in Talimatau to his family, because his father was not named as an owner in common, in order that they will stand in an equal position with the other named owners of Talimatau. I believe that he is insecure with his right of possession of the Talimatau property and he is seeking to be legally included in any partitioning, if he can obtain at least an interest in the property, not necessarily a one-fifth, but at least a 1/6 interest in Talimatau.

3. Enclosed please find a letter dated September 27, 1967 from Mr. Jackson, a solicitor of the firm of Jackson and Clarke in Western Samoa stating that the Talimatau property is divided as follows:

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"Ronnie, Frank, Peter Jensen, (through his late wife) and you [Lena] have a fifth undivided share each in the property [Talimatau] and the six children of John Alexander Pritchard have one thirtieth share each which makes up the remaining fifth."

It is obvious that the distribution has changed and that the interests of your uncles Ron's heirs, Frank's heirs, and Mrs. Jensen's heirs, have now inherited the interest of their respective parent which means that we must obtain all the names of these heirs and their whereabouts.

4. Enclosed please find a letter dated August 11, 1977 from Mr. Stevenson setting forth his proposal on the manner of transfer of the Talimatau and Fogaiofu properties. If you wish to correspond directly with Mr. Stevenson in regards to the matters discussed in his letter, please do so.

5. As to the matter of additional tracing of the title of the Talimatau property, I will personally search the records of the Land Registrar and the Public Trustee. I will report to you on this matter by separate letter after my research is complete.

6. As to the monetary valuation of the Apia properties by Sargent and Smith, I was most surprised at this report and I queried Mr. Stevenson on it and his response is contained in his letter of August 11, 1977, attached hereto.

7. As to the Fuamete land matter, I have no knowledge of this, as it was handled by Mr. Higbie and Mr. Pele, but I hope that it is resolved along with the Western Samoa properties.

If you should have any further questions or instructions, please contact me.

Sincerely yours,

HALL & ROSE
Attorneys at Law

ROY J. D. HALL, JR.

ROY J.D. HALL, JR.

cc: Wm. Nicholas ✓
Encl.

The following disertation is the result of my extensive research on the title of the Talimatau property, it is to the best of my knowledge correct and can you retrace my title search to verify or to clarify any points stated herein:

1. Land Claim No. 1476. The documents contained in this folder were the original papers on the application by George Pritchard to purchase 113 acres for \$30.00 (British pound notes) on or about June 18, 1872 from Elizabeth Crocker. On September 4, 1891, after the disposition of claims by Matais on the said land in favor of George Pritchard, the Land Commission approved the conveyance to George Pritchard from Elizabeth Crocker and on December 23, 1892, the Land Commission filed its report approving the sale for \$30.00 (British pound notes) of the 113 acres¹. (estimate).

2. Volume 4, Folio 172. The records show that George Pritchard conveyed Parcels 225/92 and 226/92 to Alfred James Pritchard and Parcel 224/92

1. Parcels 225/92, 226/92, and 224/92.

(to be divided into 283/92, 284/92, and 234/92) was conveyed to Atelina Pritchard, both conveyance were dated September 4, 1934 by High Court Judgment for partitioning - Alfred J. Pritchard 2/3, Atelina Pritchard 1/3 - recorded on November 16, 1934.

3. Volume 6, Folio 202: The record shows that Alfred J. Pritchard sold parcel 225/92² to Frederick Nelson on November 22, 1934. Hans Kleis is now the registered owner. Records show that Hans Kleis conveyed to Rosa Kleis on April 29, 1958 and then Rosa conveyed a part of 225/92 to Henry Kleis dated June 28, 1976.

As to Parcel 226/92³ the record shows that on May 13, 1959 the Estate of Alfred J. Pritchard deceased from Leone, American Samoa, transferred to the Western Samoan Public Trustee Parcel 226/92.

On December 13, 1961, the record shows that the Public Trustee conveyed to William Pritchard, Ronald Edward Pritchard, Lena Kneubuhl, and Peter Jensen each 1/5 undivided interest in Parcel 226/92. On this same date the Public Trustee conveyed to Ruby Pritchard, Elizabeth Pritchard, Alexander John Pritchard, Patricia Wainstock, Dora Pritchard, and Wilhelmina Pritchard, each 1/30 undivided interest.

The record further shows that on December 18, 1970 Peter Jensen sold his 1/5 undivided share to Martin Henry Kleis and a mortgage was executed by the Public Trustee on the same date for a principal sum of WS\$3,622.00 due payable in installments of WS\$80.00 per month with the maturity date of December 11, 1974. The record shows that on May 30, 1975, the mortgage was discharged and released.

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2. 15 acres, 0 rods, 01.48 perches.
 3. 32 acres, 2 rods, 26.01 perches.

4. Volume 6, Folio 201. The records show that Atalina Pritchard on April 9, 1935 conveyed Parcel 234/92⁴. (part of Parcel 224/92) to Rosa Kleis.

On October 23, 1935, Atalina Pritchard deeded a mortgage to Herman Retzlaf, which was released and discharged on April 26, 1939.

On January 10, 1946, Atalina Pritchard conveyed parcel 283/92⁵. (part of Parcel 224/92) to Rosa Kleis.

On September 1, 1948, Atalina Pritchard conveyed to the Secretary of the Samoan Affairs Parcel 284⁶. (a part of Parcel 224/92) which was held for the use and occupation of the Ellis Islanders and their descendents (See Volume 8, Folio 49).

5. Court Grant 1028. The record shows that Parcel 228/96 was part of a court grant wherein Alfred J. Pritchard registered Parcel 1028 adjoining the Parcel 228/96 on June 14, 1889. Tracing title to Parcel 228/96 is incomplete because reference is made to the German recording system Grundukten 280, Fleur 3 which shows a date of 1905 wherein Parcel 228/96 was registered under Alfred J. Pritchard. The maps of the Talimatau area show that Parcel 1028 is now part of the Western Samoa Trust Estates Corporation (W.S.T.E.C) and that Parcel 228/96 was registered under Alfred J. Pritchard. There is an obvious gap in the documents as to how Alfred J. Pritchard became the owner of Parcel 228/96 and how W.S.T.E.C. became the owner of Parcel 1028. It will be necessary for me to search this section again to trace more documents to complete the title to Parcel 228/96.

4. 6 acres, 0 rods, 07.71 perches.
5. 9 acres, 2 rods, 23.04 perches.
6. 7 acres, 3 rods, 27.84 perches.

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to a grantee separate from Parcels 224/92, 225/92 and 226/92. The records of Land Claim No. 1476 do not show any transfer, except for that described in Volume 4, Folio 172, supra.

Another area that raises a question is Parcel 100, which is separate from Land Claim No. 1476 containing approximately 10 acres. I could not find any record showing a transfer from George Pritchard to Albert Stehlin. The only record shows that a mortgage encumbered the title to Parcel 100, but no foreclosure action or satisfaction and release. (See paragraph 7, supra).

The other questionable matter discovered was the sale of a 1/5 undivided interest in the Talimatau property by a Peter Jensen to Martin Henry Kleis (See paragraph 3, supra).

Parcel 228/96 was apparently separate from George Pritchard Land Claim No. 1476, in that it was recorded as Court Grant 1028 in the name of Alfred J. Pritchard for Parcel 1028. I was unable to locate all the documents but the more recent documents show that Alfred J. Pritchard as the owner of Parcel 228/96 and the W.S.T.E.C. as the owner of Parcel 1028. The difficulty was that some of the documents on this property were recorded in German.

It is my opinion that I did the best possible research of the title in the Talimatau property owned by the Pritchard heirs. It was difficult in seeking to trace title when the records did not appear to be very complete. It is my hope that this information will assist you in verifying my search results or hopefully clarifying some of the major points as to the exact dates of any transfer. I had to rely on the interpretation of the department researchers that assisted me, because of the handwritten notations in the records were difficult to decipher. I am most concerned as to the dates of the various conveyances. I hope that your greater familiarity with the recording system of the Land and Survey Department will allow you to fill in the gaps in the records.

6. Volume 5, Folio 56. The records show that on November 9, 1921, Alfred J. Pritchard was the registered owner of Parcel 228/96. On May 13, 1959, Alfred J. Pritchard deceased at Leone, American Samoa, transferred Parcel 228/96 to the Western Samoan Public Trustee.

On August 14, 1959, the records show that Neeley Jensen and Faalanu Pritchard transferred their separate 1/5 interests in Parcel 228/96 to the Western Samoan Public Trustee.

On December 15, 1961, the records show that the Western Samoan Public Trustee transferred Parcel 228/96 in the same manner as described in Volume 6, Folio 202 (supra, paragraph 3 herein).

7. Volume 4, Folio 292. The records show that by Court Grant 1029, a 10 acre parcel in the Talimatau area, but separate from the parcels discussed earlier, was registered in the name of George Pritchard.

On July 1, 1913, a mortgage for 5,000 Marks was made by Albert Stehlin with a maturity date of July 1, 1920. There is no record of this mortgage being discharged and all subsequent records show Albert Stehlin as the recorded owner.

On August 30, 1960, (Volume 4, Folio 292, Parcel 100 was transferred by executors of the Estate to Nellie Petersen who subdivided the property and who had sold several of the subdivided lots. There appears to be a gap as to the manner in which Albert Stehlin had taken title to Parcel 100, because I was unable to locate any records regarding such a foreclosure or a release and discharge of the mortgage or a conveyance by purchase or gift.

CONCLUSION

It is difficult to reconcile the fact that earlier records describe the original parcel of Land Claim No. 1476 as being 113 acres, but in adding the total acreage of the parcels 224/92, 225/92 and 226/92 which appears to be representative of the land described, it amounts to approximately 69 acres. I did not have time to check the title history of the abutting landowners in the area to determine, if in fact there was any conveyance of property by George Pritchard