

LEMANU P.S. MAUGA
Governor

TALAEAGA E.V. ALE
Lieutenant Governor



AMERICAN SAMOA GOVERNMENT
DEPARTMENT OF LOCAL GOVERNMENT
OFFICE OF SAMOAN AFFAIRS
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PC MAUGA T. ASUEGA
Secretary of Samoan Affairs

HTC TAUESE V.K. SUNIA
Deputy Secretary of Samoan Affairs

May 18, 2022

Leota Mapesone Lauilu
Chief Surveyor, American Samoa

Subject: Affirmation for Pulenu'u certificate of vacant virgin bush lands on the north shore, due northwest of Tutuila

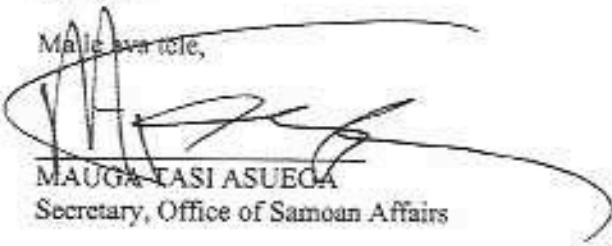
Leota:

In seeking the proper Pulenu'u, and villages or families to certify this portion of virgin bush lands located on the north shore, due northwest of Tutuila, American Samoa, I hereby affirm that this property is not under any jurisdiction of village control, nor family occupancy, nor any human habitation.

Due to this affirmation, there is no village mayor who is qualified to certify the survey of this property.

I give this writing to satisfy the legal requirement of a Pulenu'u certificate for survey of this property.

Maile Asuega,


MAUGA TASI ASUEGA
Secretary, Office of Samoan Affairs

OFFICE OF THE TERRITORIAL REGISTRAR

Department of Legal Affairs
American Samoa Government

Pago Pago, American Samoa 96799

HON. LEMANU PELETI MAUGA
GOVERNOR
HON. TALAUEGA ELEASALO ALE
LT. GOVERNOR

Faiu'u'olelei F. Alo'iliima Utu
Attorney General

Roy J. Hall
Deputy Attorney General

Divine Iuli Faianiko
Territorial Registrar

July 15, 2022

Serial #: 070-22

Mr. Michael T. Fuiava
c/o Meredith-Sunia Law Firm
Fagaima, American Samoa
VIA EMAIL: aitofele@meredithsunia.com
lornalei@meredithsunia.com

Re: Proposed Registration of Land "Nuu Fou" Lot 4, As Individually Owned Land of Michael T. Fuiava.

Dear Michael T. Fuiava:

I write regarding the offer for registration of land "Nuu Fou" Lot 4, as individually owned land, which you filed with the Office of the Territorial Registrar on June 13, 2022. After further review of the proposed registration paperwork, and upon consultation with Office of the Attorney General, I have determined that the above-referenced land registration offer is deficient for failure to comply with the Territory's land registration statute, A.S.C.A. § 37.0101 et seq.

In American Samoa, a survey of land to which title is proposed to be registered must be accompanied by "a certificate of the surveyor and the pulenuu of the village in which or nearest to which the land is located, to the effect that the pulenuu gave public oral notice in the village at a meeting of the chiefs thereof of the time and place of the intended survey in order that other interested landowners might have an opportunity to be present thereat." A.S.C.A. § 37.0102(c); *see also* A.S.A.C. § 37.0206(g). The statutory language is absolute and provides for no exceptions. However, your land registration offer failed to include such a certificate. Instead, the survey was accompanied by a letter from the Secretary of Samoan Affairs, in which the Secretary "affirm[s] that this property is not under any jurisdiction of village control, nor family occupancy, nor any human habitation" and concludes "there is no village mayor who is qualified to certify the survey of this property." Letter from Mauga Tasi Asuega, Secretary, Office of the Samoan Affairs, to Leota Mapesone Lauulu, Chief Surveyor, Am. Samoa (May 18, 2022). Contrary to the statements therein, this letter does not satisfy the legal requirement that pulenu'u certificate accompany the survey of this property. The statute

expressly requires the submission of the pulenu'u certificate, and instructs that if the land does not fall within a village, the pulenu'u of the village *nearest* to the land fulfill this important role. See A.S.C.A. § 37.0102(c). The letter fails to identify the village(s) nearest to the location of the land nor cites any legal authority of the Secretary to waive a statute applicable to all prospective land registrants through such an affirmation.

As Registrar, the law does not permit me to register any title to land unless all requirements of the land registration statute have been complied with and until it has been demonstrated that there are no conflicting claims thereto. A.S.C.A. §37.0101(b), 37.0103(d). The pulenu'u certificate statute was clearly enacted to protect the due process rights of local landowners and the integrity of the survey and registration processes. Any registration of land not performed in accordance with statutory procedure is void. Accordingly, I encourage you to review the Territory's land registration requirements carefully and resubmit the offer for registration should the proper steps be taken in the future to pursue registration of this land in strict accordance with applicable laws.

For the foregoing reasons, the Office of the Territorial Registrar is unable to consider or move forward with the above-referenced land registration offer. Please reach out to our office at the contact information in my signature should you have any questions about this matter.

Sincerely,



Divine Iuli-Falaniko
Territorial Registrar
tro@la.as.gov
(684) 633-4868

Cc: Fainu'ulelei Falefatu Ala'ilima-Utu, Attorney General
Aitofele Sunia, Meredith-Sunia Law

REC'D: 
DATE: July 18, 2022