



Claude Phillip. This Motion is based upon FSM Civil Rule 7(b), and is supported by the memorandum below, the Order entered February 27, 2013, the record of this matter and of FSMDB v Tropical Waters Kosrae Inc., Civil Action No. 2012-2003 (Kos).

**MEMORANDUM OF POINTS AND AUTHORITIES**

On February 27, 2013, this Court entered an Order of Temporary Appointment of Estate Administrator, appointing Betty Phillip as administrator for the estate of Claude Phillip for a period of 45 days, in support of settlement negotiations. The settlement negotiations were successful, and the parties have filed a Stipulated Judgment and Stipulated Order in Aid of Judgment in FSMDB v Tropical Waters Kosrae Inc., Civil Action No. 2012-2003 concurrently with this Motion.

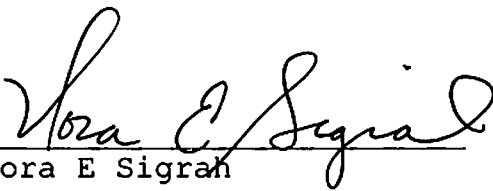
The Order in Aid of Judgment requires the parties to perform certain actions, including survey and subdivision of a parcel, and the execution of a lease agreement, easement and agreement for water rights. The lease, easement and agreement will be finalized and signed once the survey and subdivision are completed, referencing the newly assigned parcel numbers. These actions cannot be completed by April 13, 2013, which is the expiration date for the Order of Temporary Appointment. Also, Betty Phillip, as administrator for Claude Phillip's estate, will be entitled to receipt of royalty payments under the

agreement for water rights for the 30 year term of the agreement.

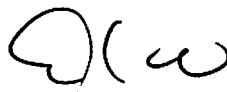
Based upon these grounds, Petitioner FSMDB and Administrator Betty Phillip now jointly move this Court for entry of an Order of Permanent Appointment of Estate Administrator, to ensure timely completion of all components of the Order in Aid of Judgment filed in Civil Action No. 2012-2003 and to ensure Mrs Phillip's entitlement to royalty payments under the water rights agreement for its entire term.

Respectfully submitted:

Dated: April 11, 2013

  
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Nora E Sigran  
Attorney for Petitioner  
FSM Development Bank

Dated: April 10, 2013

  
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Canney Palsis  
Attorney for Administrator  
Betty Phillip