



Filed

Supreme Court of Guam, Clerk of Court

IN THE SUPREME COURT OF GUAM

RAY J. AFLAGUE,
Plaintiff-Appellee/Cross-Appellant,

v.

**RICHARD D. MOYLAN, as Administrator for the Estate of Jane D. Aflague
Moylan, PILAR MARIE AFLAGUE CRUZ, MARILYN CONSTANCE
AFLAGUE, NORMA JEAN AFLAGUE, FREDDIE JUNIOR AFLAGUE,
CHRISTINE AFLAGUE EVANGELISTA, JOHN AFLAGUE, JENNIFER
AFLAGUE RABAGO, MONICA AFLAGUE HUSAIN, ERMINIA MARIE
CRISOSTOMO AFLAGUE, ELIZABETH IGLESIAS AFLAGUE, and
MARIE MESA CRUZ,**
Defendants-Appellants/Cross-Appellees.

Supreme Court Case No. CVA18-008
(consolidated with CVA18-009 & CVA18-015)
Superior Court Case No. CV0570-10

OPINION

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Appeal from the Superior Court of Guam
Argued and submitted on October 9, 2018
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Hagåtña, Guam

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Appearing for Defendant-Appellant/Cross-Appellee Estate of Jane Doris Moylan:

Gary W.F. Gumataotao, *Esq.*
Gumataotao & Pole
San Ramon Bldg.
115 San Ramon St., Ste. 301
Hagåtña, GU 96910

Appearing for Plaintiff-Appellee/Cross-Appellant:

F. Randall Cunliffe, *Esq.*
Cunliffe & Cook
A Professional Corporation
210 Archbishop Flores St., Ste. 200
Hagåtña, GU 96910

Appearing for Defendants-Appellants/
Cross-Appellees Freddie D. Aflague and
Erminia Aflague:

Michael J. Berman, *Esq.*
Berman O'Connor & Mann
Bank of Guam Bldg.
111 Chalan Santo Papa, Ste. 503
Hagåtña, GU 96010

BEFORE: KATHERINE A. MARAMAN, Chief Justice; F. PHILIP CARBULLIDO, Associate Justice; and ROBERT J. TORRES, Associate Justice.¹

MARAMAN, C.J.:

[1] Defendants-Appellants/Cross-Appellees Richard D. Moylan, as administrator for the Estate of Jane Doris Moylan, and other heirs² (collectively, “Moylan”) appeal a final judgment of the Superior Court refusing to quiet title for either party and an order refusing to join the Guam Ancestral Lands Commission and the Department of Land Management as necessary and indispensable parties. Moylan argues that the Guam Ancestral Lands Commission’s failure to provide the heirs notice of an underlying agency hearing and action deprived the commission of jurisdiction to issue a deed to Plaintiff-Appellee/Cross-Appellant Ray J. Aflague (“Ray”). Ray cross-appeals the same judgment, arguing title should be quieted in his favor because the statute of limitations bars Moylan’s challenge to GALC’s action. We agree with Moylan and vacate the judgment of the Superior Court. We remand for the Superior Court to join the Guam Ancestral Lands Commission and the Department of Land Management as necessary and indispensable parties and for proceedings not inconsistent with our opinion.

I. FACTUAL AND PROCEDURAL BACKGROUND

[2] The parties submitted this case to the Superior Court on stipulated facts. The facts agreed to by the parties are:

[3] The U.S. Government took two lots of land (Lots 5031 and 5032, As Ucudo, Dededo, Guam) belonging to Fred L.G. Aflague (“Fred”) through eminent domain on June 28, 1950. On

¹ The signatures in this opinion reflect the titles of the justices when this matter was argued and submitted.

² The other heirs who are parties are: Pilar Marie Aflague Cruz, Marilyn Constance Aflague, Norma Jean Aflague, Freddie Junior Aflague, Christine Aflague Evangelista, John Aflague, Jennifer Aflague Rabago, Monica Aflague Husain, Erminia Marie Crisostomo Aflague, Elizabeth Iglesias Aflague, and Marie Mesa Cruz. However, attorneys for only Jane, Freddie, and Erminia have entered appearances in these proceedings.

October 22, 1983, Fred issued a quitclaim deed to his son Ray for these two lots. Ray recorded that quitclaim deed on August 6, 1987. On April 7, 1998, the Government of Guam gave a Grant of Contingent Future Interest to Ray. On October 2, 2002, the U.S. Government quitclaimed the two lots of land to the Government of Guam. This deed was recorded on October 29, 2002. On November 4, 2002, the Government of Guam quitclaimed the properties to the Guam Ancestral Lands Commission (“GALC”). This deed was recorded on November 19, 2002. A correction deed was recorded on June 13, 2003.

[4] On November 26, 2003, GALC issued a Final Written Decision and Order regarding Lot 5032 and identified the 1983 Quitclaim Deed as the basis for awarding Ray title to the property. On December 12, 2003, GALC issued a Final Written Decision & Order, this time regarding Lot 5031, which also identified the 1983 Quitclaim Deed as the basis for awarding Ray title to the property. Based on each written decision, GALC issued Ray quitclaim deeds on December 16, 2003, and December 30, 2003, respectively.

[5] On October 13, 2004, the Guam Department of Land Management (“DLM”) issued certificates of title for the two lots based on the GALC deeds.

[6] Ray filed a quiet title action on April 9, 2010, alleging that he had sole rights to the two properties. Moylan and other heirs filed a cross-claim to quiet title. Ray moved to dismiss on statute of limitation grounds. The motion to dismiss was denied. Moylan also moved to join indispensable parties—GALC and DLM—to the lawsuit. The trial court denied joinder of GALC and DLM. The trial court also granted partial summary judgment to Moylan, finding that the 1983 Quitclaim Deed did not provide Ray a future interest in the two lots. The rest of the case was submitted on a stipulated bench trial on June 28, 2017. The court issued its Findings of Fact and Conclusions of Law on February 26, 2018. Judgment was entered on April 6, 2018. Moylan filed

a Notice of Appeal on March 26, 2018. Freddie and Erminia filed their Notice of Appeal on March 29, 2018. Ray filed a Notice of Cross-Appeal on April 4, 2018.

[7] While on appeal, this court ordered additional briefing regarding notice and jurisdiction. While under submission, the Ninth Circuit issued an opinion in *Crawford v. Antonio B. Won Pat International Airport Authority*, 917 F.3d 1081 (9th Cir. 2019), which questioned the validity of GALC's rules and regulations. This court ordered additional briefing regarding *Crawford*. After re-argument, the case was resubmitted for final disposition.

II. JURISDICTION

[8] This court has jurisdiction over an appeal from a final judgment of the Superior Court. 48 U.S.C.A. § 1424-1(a)(2) (Westlaw through Pub. L. 116-158 (2020)); 7 GCA §§ 3107(b), 3108(a) (2005).

III. STANDARD OF REVIEW

[9] The interpretation of a contract or deed for land is a matter of law reviewed *de novo*. *Guam Resorts, Inc. v. G.C. Corp.*, 2013 Guam 18 ¶ 34; *see also Gov't of Guam v. Gutierrez ex rel. Estate of Torres*, 2015 Guam 8 ¶¶ 11-13, 22. A trial court's decision on joinder of necessary parties is reviewed for abuse of discretion. *Sananap v. Cyfred, Ltd.*, 2011 Guam 21 ¶ 23; *Benavente v. Taitano*, 2006 Guam 15 ¶ 10. Questions regarding the legal and equitable powers of the Superior Court are reviewed *de novo*. *See, e.g., Tanaguchi-Ruth + Assocs. v. MDI Guam Corp.*, 2005 Guam 7 ¶ 22.

IV. ANALYSIS

[10] After the Second World War, the United States Government condemned significant amounts of private property in Guam for use by the military and other federal authorities. *See Gutierrez ex rel. Estate of Torres*, 2015 Guam 8 ¶ 1. The federal government eventually began to

return excess lands to Guam. After recognizing certain excess lands it controlled because of its prior takings, the U.S. Government eventually agreed to return excess lands to the local government. Congress passed the Guam Excess Lands Act, which provided for the return of federally held lands to the Government of Guam for “public benefit use.” See *Taitano v. Lujan*, 2005 Guam 26 ¶¶ 4-5; Guam Excess Lands Act, Pub. L. No. 103-339, 108 Stat. 3116 (1994). The Government of Guam enacted the Guam Ancestral Lands Act, see 21 GCA § 80101 *et seq.*, to return these lands to their ancestral owners. This act also created GALC, which is tasked with holding certain properties in trust for the Government of Guam and determining the ancestral owners of the excess lands. 21 GCA § 80103. The statute outlines an administrative process for ancestral titleholders to make claims and obtain return of the land. See 21 GCA § 80104.

[11] The parties, here, can trace their dispute back to a deed issued by GALC awarding ancestral title to Ray. On this background, this case and the underlying land ownership dispute is unique in that the trial court found that neither party proved superior title and refused to quiet title for either party. After this case was submitted to this court, new precedent from the Ninth Circuit Court of Appeals called into question the validity of GALC’s rules and regulations, requiring us to seek additional briefing. See *Crawford v. Antonio B. Won Pat Int’l Airport Auth.*, 917 F.3d 1081 (9th Cir. 2019).

[12] Throughout this appeal, Moylan has maintained that GALC’s failure to provide notice of its agency action awarding title of the disputed property to Ray meant that the deed from GALC to Ray was void. Appellant’s Reply Br. at 3-6 (Aug. 31, 2018); Appellant’s Suppl. Br. at 2-20 (Jan. 11, 2019). After a careful review of the record, we need not reach the question of the validity of GALC’s rules and regulations because failing to provide notice violated both the statute and due process, rendering void the GALC deed to Ray. In determining that GALC’s prior action and

deed are void, the Superior Court erred in refusing to join GALC and DLM as necessary parties. Finally, because the Superior Court maintains concurrent legal jurisdiction with GALC, the legal and equitable determinations regarding property ownership must be made in the Superior Court on remand. As the courts of law and equity have long ago merged, these determinations can be made in the same civil action.

A. Absent Notice to Known Parties, a GALC Determination Deeding Ancestral Property is Subject to Collateral Attack

[13] A threshold issue concerns whether GALC needed to provide notice to Moylan and the other known heirs before determining ancestral title and awarding the property to Ray. Ray contends that even if GALC erred in its determination, Moylan is precluded from challenging the deed because of the applicable statute of limitations. Appellee’s Br. at 7-9 (Aug. 1, 2018). Under this theory, Ray contends that Moylan’s quiet title claim should be dismissed for failure to state a claim. *Id.* Moylan contends that the lack of notice deprives the GALC deed to Ray of any legal effect and, therefore, subjects the deed to collateral attack and renders it void. Appellant’s Suppl. Br. at 2-21. Moylan opposes the dismissal for failure to state a claim because the heirs were not given notice of or made parties to the GALC proceedings. Appellant’s Reply Br. at 3-6.

[14] Notice is a fundamental component of due process. Lack of notice to interested persons of official proceedings is a due process violation, *see, e.g., Castro v. G.C. Corp.*, 2012 Guam 6 ¶ 32 (“Insufficient notice deprives litigants of the opportunity to be heard, resulting in a violation of due process.”), and official proceedings held without notice to persons so entitled are void, *see Taitano v. Calvo Fin. Corp.*, 2008 Guam 12 ¶ 32, *aff’d on reh’g*, 2009 Guam 9. In *Calvo Finance*, we stated:

With regard to the quiet title claim, we hold that if Torres’ Heirs are correct in asserting that they should have received personal notice of the land registration proceeding, the land registration decree would be void for lack of jurisdiction. The

quiet title claim therefore survives because a void judgment may be vacated at any time, regardless of any applicable statutes of limitations.

2008 Guam 12 ¶ 32. The parties in *Calvo Finance* were litigating, in part, a quiet title claim under Guam’s land registration system. *Id.* ¶ 1. The quiet title action there was filed over thirty years after the land was originally registered. *Id.* ¶¶ 6-7. The parties disputed the applicability of three different statutes of limitations, the longest of which was five years under 7 GCA § 11205. *Id.* ¶¶ 30-31. We concluded, however, that the quiet title action survived regardless of the statute of limitations. We concluded that because the party seeking to quiet title was entitled to personal notice of the prior action, the lack of notice rendered that proceeding void, and “a void judgment may be vacated at any time, regardless of any applicable statutes of limitations.” *Id.* ¶ 32. We reaffirmed this holding on rehearing and found that notice that violates the statutory prescriptions or the constitutional mandates is void for lack of jurisdiction. *Calvo Fin.*, 2009 Guam 9 ¶ 12.

[15] Here, if Moylan and the other heirs are correct in their assertion they did not receive the notice to which they are entitled, then this lack of notice violated both the GALC statute and the Due Process Clause of the Fourteenth Amendment and deprived GALC of jurisdiction.³ The GALC statute states: “The Commission shall ensure that all parties whose interests may be affected in the extinguishment of an ancestral claim are notified in writing, if at all possible, and through public notice in a Guam newspaper of general circulation.” 21 GCA § 80104(f) (2005). The Legislature has also adopted rules and regulations regarding notice of GALC proceedings, which mirror the statute.⁴ The Due Process Clause requires “notice reasonably calculated, under all the

³ The Due Process Clause of the Fourteenth Amendment is made applicable to Guam through the Organic Act. 48 U.S.C.A. § 1421b(u) (Westlaw through Pub. L. 116-158 (2020)).

⁴ The GALC statute provides that the applicable notice provisions must be adopted into rules and regulations by the Commission. While GALC has not adopted applicable rules and regulations, the Legislature has adopted rules and regulations for GALC regarding notice. We need not reach the broader question of the validity of all of GALC’s rules and regulations as raised in *Crawford* by the Ninth Circuit, because the notice requirements are sufficiently covered by constitutional requirements, GALC’s statute, and the corresponding rules and regulations. *See Crawford*

circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.” *Jones v. Flowers*, 547 U.S. 220, 226 (2006) (quoting *Mullane v. Cent. Hanover Bank & Tr. Co.*, 339 U.S. 306, 314 (1950)). No one disputes that neither Moylan nor the other heirs were given notice in writing of the GALC action and determination. The final decision of GALC does not reflect any submitted evidence showing written notice was provided to all parties whose interests may be affected—i.e., the other known heirs of Fred. The record before us also contains evidence from Ray’s application to GALC that shows GALC had a listing of Fred’s other heirs. GALC had an obligation to notify Fred’s known heirs of the claim extinguishment, and documents in the record suggest GALC knew heir identities. Thus, there does not appear to be a good reason why notice was not sent to Moylan and the other heirs.

[16] Failing to provide written notice as required by the statute, particularly when the government agency has the identities of the other interested parties, violates both the statute and the Due Process Clause. This case does not involve a mere technical or non-prejudicial defect in notice, *see, e.g., Core Tech Int’l Corp. v. Hanil Eng’g & Constr. Co.*, 2010 Guam 13 ¶¶ 41-50; it involves a complete failure of adequate notice. Where notice is not properly given regarding official proceedings, the adjudicatory body does not possess personal jurisdiction over all the parties to finally resolve the case. *See, e.g., Pizzano Constr. Co. v. Hadwen*, 346 A.2d 224, 226 (Vt. 1975) (“We hold that the court’s action imposing liability upon the defendants under the circumstances disclosed by the record deprived them of their due process right to meaningful notice and opportunity to be heard, making the initial judgment void.”); *In re Abandonment of Wells Located in Illinois by Leavell*, 796 N.E.2d 623, 626 (Ill. App. Ct. 2003) (“These notice

v. Antonio B. Won Pat Int’l Airport Auth., 917 F.3d 1081 (9th Cir. 2019). Additionally, the parties to this appeal do not challenge the validity of the GALC rules and regulations related to notice as applicable here. *See* Appellee’s Second Suppl. Br. at 1 (May 20, 2019); Appellant Moylan’s Second Suppl. Br. at 2 (May 20, 2019); Defs.-Appellants’ Joinder in Second Suppl. Br. at 1-2 (May 20, 2019).

requirements are jurisdictional prerequisites that must be followed in order for the [agency] to have the authority to hear the case.”). GALC’s actions taken in excess of its jurisdiction are void. We determine that if GALC failed to provide written notice to Moylan and the other known heirs and interested persons, whose identities were ascertainable, then it violated due process and GALC’s statutory scheme in a way that deprived GALC of jurisdiction and renders its actions void.

[17] Because of the issues related to notice, the Superior Court did not err in refusing to dismiss Moylan’s counterclaim. While there is no evidence on the record showing notice of the GALC proceedings was provided to Moylan, due process requires that Ray be given an opportunity on remand to provide evidence that adequate notice was given. But, if notice was not given, then the GALC deed to Ray is subject to collateral attack despite any statute of limitations.

B. Because the Validity of the GALC Deed Was at Issue, the Superior Court Abused its Discretion in Denying Moylan’s Motion to Join GALC and DLM as Necessary Parties

[18] Having determined that the GALC deed is subject to collateral attack and is potentially void, we must now address whether GALC and DLM should have been joined as necessary and indispensable parties. In its Findings of Fact and Conclusions of Law, the trial court found it was without jurisdiction to adjudicate the validity of the titles to the property because GALC and DLM were not parties. However, it previously denied Moylan’s motion to join GALC and DLM as necessary parties. “[A] court must determine whether a party is necessary under [Guam Rule of Civil Procedure] 19(a).” *Agana Beach Condo. Homeowners’ Ass’n v. Mafnas*, 2013 Guam 9 ¶ 57.

Guam Rule of Civil Procedure 19(a) states:

(a) Persons to be Joined if Feasible. A person who is subject to service of process and whose joinder will not deprive the court of jurisdiction over the subject matter of the action shall be joined as a party in the action if

(1) in the person’s absence complete relief cannot be accorded among those already parties, or

(2) the person claims an interest relating to the subject of the action and is so situated that the disposition of the action in the person's absence may

(i) as a practical matter impair or impede the person's ability to protect that interest or

(ii) leave any of the persons already parties subject to a substantial risk of incurring double, multiple, or otherwise inconsistent obligations by reason of the claimed interest.

If the person has not been so joined, the court shall order that the person be made a party. If the person should join as a plaintiff but refuses to do so, the person may be made a defendant, or, in a proper case, an involuntary plaintiff.

Guam R. Civ. P. 19(a). If a party is deemed necessary under this rule and joinder of that party is feasible, the trial court shall join the necessary party. *Agana Beach Condo.*, 2013 Guam 9 ¶ 57. The threshold question under Rule 19(a)(1) is whether a party's absence deprives the court of the ability to finally resolve the case. "[T]he relevant inquiry under [Rule 19](a)(2)(ii) is whether joinder is necessary to avoid harm to any of the persons already parties" *Benavente*, 2006 Guam 15 ¶ 74.

[19] To the extent the Superior Court found it cannot make a final determination of the parties' rights without joining GALC and DLM, its failure to order joinder appears to conflict with Rule 19(a)(1) and (2)(ii).⁵ While it may seem like a *pro forma* action to join GALC and DLM to collaterally find their prior actions void, the joinder would provide notice to the government parties and an opportunity to defend their actions. While GALC and DLM may not need to be joined to every collateral challenge to the agencies' actions, it is an abuse of discretion for the Superior

⁵ We acknowledge that Moylan and the other heirs' primary argument is that GALC and DLM being joined is a moot issue, because the case was submitted on stipulated facts. Appellant's Br. at 17-21 (July 2, 2018). However, given the Superior Court's determinations regarding the necessity of GALC and DLM's presence to fully adjudicate title, which are reviewed for abuse of discretion, *Sananap v. Cyfred, Ltd.*, 2011 Guam 21 ¶ 23, we will address Moylan's alternative argument that the Superior Court made inconsistent findings in both finding GALC and DLM as necessary, but refusing to join them, Appellant's Br. at 21-23.

Court to refuse to join parties and determine that it lacks the ability and jurisdiction to fully adjudicate quiet title claims without the parties. The Superior Court has original jurisdiction over all causes arising under the laws of Guam, *see* 48 U.S.C.A. § 1424-1(d), and should use its authority to join the parties necessary to effect that jurisdiction. Once the Superior Court determined the necessity of GALC and DLM, the question then becomes not if they should be joined, but if it is feasible to join them. As government agencies still in operation, we see no reason it would not be feasible to join GALC and DLM to this suit.

[20] In reviewing the record, we find no abuse of discretion in the Superior Court’s determination that Ray’s interests cannot, as a practical matter, be fully adjudicated or protected absent GALC and DLM. And in finding the GALC deed to Ray potentially void, Ray may be exposed to other consequences of improper actions of GALC and DLM.⁶ The trial court erred, however, in refusing to join GALC and DLM after concluding they were necessary parties. In reviewing the record, we recognize this error resulted, in part, from the order in which the Superior Court addressed the issues surrounding a party’s necessity and its joinder. *See* Record on Appeal (“RA”), tab 75 (Dec. & Order, May 19, 2015) (addressing joinder); RA, tab 127 (Finds. Fact & Concl. L., Feb. 26, 2018) (addressing necessity). However, it was still error. Therefore, we must reverse this determination. On remand, the Superior Court is directed to join GALC and DLM as parties.

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⁶ For example, if Moylan prevails here, GALC may treat its prior, albeit void, action to Ray as extinguishing any and all of Ray’s ancestral claims and forever barring Ray from reentry into the Claims Registry, *see, e.g.*, 21 GCA § 80104(c)(Step 4), while the lawsuit ultimately finds that GALC never validly gave Ray any interest in ancestral property.

C. On Remand, the Superior Court Should Quiet Title Based on an Independent Evaluation of the Deed from Fred Aflague to Ray J. Aflague

[21] Ray also asks us to require that his quiet title claim be litigated separately from the validity of the GALC deed to him. Appellee’s Br. at 16-18. Because the courts of law and equity have long ago merged and because the Superior Court maintains original jurisdiction over all causes in Guam, we conclude that Ray’s request is without merit.

[22] Guam law provides: “There is in the Territory of Guam but one form of civil action for the enforcement or protection of private rights and the redress or prevention of private wrongs.” 7 GCA § 10101 (2005). While, historically, legal and equitable claims had to be litigated separately, the actions formally merged in federal courts with the 1937 adoption of Federal Rule of Civil Procedure 2. *See* Fed. R. Civ. P. 2; *see also Higgins v. Barnes*, 530 A.2d 724, 729 (Md. 1987) (discussing merger of courts of law and courts of equity). Rule 2 states: “There is one form of action—the civil action.” Fed. R. Civ. P. 2. The Supreme Court of the United States has recognized that Rule 2 merged the systems of law and equity. *See Chauffeurs, Teamsters & Helpers, Local No. 391 v. Terry*, 494 U.S. 558, 565 (1990). When federal court rules are “substantially similar” to our own, *Sharrock v. McCoy*, 2016 Guam 7 ¶ 57, we have interpreted our rules consistently. *Id.* ¶¶ 57-72. Given the substantial similarity between our statute and the federal rule, we conclude that the courts of law and equity are merged in Guam. In most other states, law and equity are also merged. *Mattingly v. Mattingly*, 607 A.2d 575, 578 (Md. Ct. Spec. App. 1992); *Lane ex rel. Estate of Washington v. Mercury Record Corp.*, 252 N.Y.S.2d 1011, 1013 (App. Div. 1964); *Flanigan v. Sable*, 46 N.W. 854, 854 (Minn. 1890) (“The distinction in practice between law and equity having been abolished, and both legal and equitable remedies being now administered by the same court, and in the same action . . .”). Because law and equity are merged, there is no requirement that related equitable and legal claims be brought in separate lawsuits.

[23] With no requirement for separate suits, we must next address the procedure on remand for addressing the validity of the GALC deed to Ray and the underlying deed from Fred to Ray. “The Superior Court of Guam holds original jurisdiction over all causes of action and some appellate jurisdiction, not exclusively reserved for the Supreme Court, as provided by the legislature.” *Gutierrez ex rel. Estate of Torres*, 2015 Guam 8 ¶ 14. Regarding the GALC deed to Ray, the Superior Court should exercise its original jurisdiction over a collateral attack and determine the validity of the deed based on whether notice was provided. *See supra* Part IV.A.

[24] If the Superior Court finds the collateral attack meritorious, then it must address the underlying deed from Fred to Ray—which incidentally includes GALC’s determination the deed was legally effective. When seeking review of a final GALC action, a party has two mechanisms available for review. First, a party can seek administrative review of a GALC decision by invoking the Superior Court’s appellate jurisdiction. *Gutierrez ex rel. Estate of Torres*, 2015 Guam 8 ¶ 22. Second, a party can raise an *ultra vires* challenge to a void GALC action by invoking the original jurisdiction of the Superior Court. *Id.* Because this case arises from a collateral challenge to a GALC action and is not a direct appeal from a GALC action, this case arises under the second category. Moylan challenges that GALC acted in excess of its jurisdiction.

[25] “[T]he trial court is the only entity which may properly exercise independent jurisdiction on the issue of reformation and quiet title related to a challenge of administrative authority over the land claim.” *Id.* ¶ 18. GALC is not a court of equity and has no power to reform deeds or quiet title. *Id.* The parties have competing claims to quiet title. The Superior Court, if it reaches this issue on remand, should exercise its original jurisdiction to determine the validity of deeds and interests pre-dating the GALC determination. Both the validity of the GALC deed to Ray and the deed from Fred to Ray are issues for the Superior Court to address. Because this case involves

a collateral attack and arises under the Superior Court’s original jurisdiction, it is inappropriate to remand to GALC. The Superior Court should resolve the competing claims of quiet title.

V. CONCLUSION

[26] We **VACATE** the Judgment of the Superior Court and **REMAND** for the Superior Court to join GALC and DLM as necessary and indispensable parties, and for proceedings not inconsistent with this opinion.

/s/
F. PHILIP CARBULLIDO
Associate Justice

/s/
ROBERT J. TORRES
Associate Justice

/s/
KATHERINE A. MARAMAN
Chief Justice