

Rinneile Hilton-van Ee, Robert A. Groffier and Daniel A. Groffier by & thru
their Attorney-In-Fact- Beyan D. Howard of the City of Monrovia, Liberia
APPELLANTS Versus **Dana Hilton-van Ee and Daniel Hilton-van Ee** also of the
City of Monrovia, Liberia APPELLEES

APPEAL

HEARD: MARCH 17,2008 DECIDED JUNE 27,2008

MR. JUSTICE KORKPOR DELIVERED THE OPINION OF THE COURT

The records certified to us reveal that Corinna Hilton-van Ee, a citizen of Liberia died in Boston, Massachusetts, United States of America (U.S.A.) on July 16, 2003. At the time of her death, she was seized of many real properties in Monrovia, Montserrado County and elsewhere in the world.

On October 19, 2004,one of the appellants in this case, Rinnelle Hilton-van Ee, the oldest daughter of Corinna Hilton-van Ee, filed a petition before the Monthly and Probate Court of Montserrado County, praying the Court to issue to her, letters of administration to administer the "intestate" estate of her deceased mother. The petition was heard and granted by Her Honour Amymusu K. Jones, and the letters of administration issued the same day the petition was filed that is on October 19, 2004.

Six days thereafter, on October 25, 2004, the appellees Dana Hilton-van Ee and Daniel Hilton-van Ee who are also children of the late Corinna Hilton-van Ee, filed a petition praying the Monthly and Probate Court of Montserrado County to revoke the letters of administration issued to co-appellant Rinnelle Hilton-van Ee. The petition alleges that co- appellant, Rinnelle Hilton-van Ee had surreptitiously and clandestinely caused the Monthly and Probate Court of Montserrado County to issue letters of administration to her to administer the estate of the late Corinna Hilton-van Ee without notice to the appellees; that even though co-appellant Rinnelle Hilton-van Ee had full knowledge that the deceased left a sealed envelope containing her last will and testament, she had deliberately misinformed, the Court that the deceased died without a will.

On November 5, 2004, co- appellant, Rinnelle Hilton-van Ee, filed returns to the petition in which she denied having any knowledge that her late mother died leaving a will. She maintains that if the deceased died leaving a will, the appellees should present same before the Monthly and Probate Court of Montserrado County, and if it

is proven that said will is in fact that of the late Corinna Hilton- van Ee, and it is further established that the instrument meets all of the legal requirements of a valid will, then she would have no alternative but to accept the will and the terms thereof.

On August 23, 2006, the appellees, Dana Hilton-van Ee and Daniel Hiltonvan Ee, filed a petition before the Monthly and Probate Court of Montserrado County seeking to admit into probate in Liberia, the certified copy of the last will and testament of their late mother, Corinna Hilton-van Ee.

The appellees state in their petition that the Will of the deceased was d probated and registered in the Suffolk County Probate Court, Massachusetts, U.S.A.; that the appellees were appointed under the said will as , co-executors and that in order not to have the properties of the deceased in Liberia go to waste, they pray that the will of the deceased be admitted to probate in Liberia, to allow for the ancillary administration of her properties in Liberia.

On September 4, 2006, the appellants, Rinnelle Hilton-van Ee and her children, Robert A. Grottier and Daniel A. Grottier, by and through their attorney-in-fact, Counsellor Beyan D. Howard, filed objections to the petition seeking to admit the will of the late Corinna Hilton-van Ee in probate in Liberia. They deny that the deceased died leaving a will. They maintain that assuming *arguendo*, that the deceased left a will, section 115.5 of the Decedents Estates Law of Liberia would apply in which case the will would be brought to court, read and notice given, so that would-be objectors may file objection(s), if any, to said will within thirty days; and if there be no objection, witnesses should be adduced to testify to the content of the will before it can be admitted into probate in Liberia.

They further maintain that even if there is a valid will left by the late Corinna Hilton-van Ee, the properties which during her life, she sold and conveyed to co-appellant Rinnelle Hilton-van Ee cannot form part of said will. They listed certain real properties: the residence and school building located on Broad Street, the Memarina Building & Annex on Front and Randall Streets, a house on Sekou Toure Avenue, and what is known as the Corina Park, containing several conveyed to co-appellant Rinnelle Hilton-van Ee prior to her death.

The appellees filed returns to the objections on September 12, 2006 contending essentially that the applicable statute controlling probate proceedings of foreign wills is not section 115.5 as alleged by the appellants , but rather Section 115.2 of the Decedents Estates Law of Liberia. They deny that the late Corinna Hilton-van Ee,

during her life time, sold and conveyed the real properties listed by the appellants to co-appellant Rinnelle Hilton-van. Ee.

When pleadings rested, the appellees filed a motion for summary judgment praying court for the issuance of ancillary letters testamentary as a matter of law, relying on section 115.2 of the Decedents Estates Law of Liberia as stated above. The motion for summary judgment was resisted, heard and the Probate Court Judge, His Honour J. Vinton Holder, in a consolidated ruling made on October 13, 2006 granted the motion for summary judgment admitting into probate in Liberia, the certified copy of the last will and testament of the late Corinna Hilton-van Ee. At the same time, Judge Holder revoked the letters of administration issued to co-appellant Rinnelle Hilton-van Ee by the Monthly and Probate Court of Montserrado County on October 19, 2004.

The appellants have come to this Court seeking appellate review of e ruling made by the Monthly and Probate Court of Montserrado Co.

From the facts and circumstances summarized above, we will address three, issues:

1. Whether or not the letters of administration issued to co-appellant Rinnelle Hilton-van Ee on October 19, 2004 by the Monthly and Probate Court of Montserrado County to administer the estate if the late Coring Hilton-Van Ee was regularly issued in keeping with law?
2. Whether or not the Monthly and Probate-Court of Montserrado County acted properly in admitting into probate in Liberia; the certified copy of the last will and testament of the late Corinna Hilton-van Ee?
3. Whether or not the Monthly and Probate Court of Montserrado County acted properly, also, in granting summary judgment-in favor of the appellees?

We will pass on the issues in the order presented , Probate Court of Montserrado County regularly issue to co- appellant Rinnelle Hilton-van Re ii keeping with law? In our opinion, the Monthly and Probate Court of Montserrado County did not regularly issue the letter s of administration to co- appellant Rinnelle Hilton-Van Ee in keeping with law.

As will fully be discussed later in this opinion, the late Corinna Hilton-Van Ee died leaving a valid will, therefore, her estate should not have been treated as an intestate

estate. But even assuming arguendo that the deceased died without leaving a will, we hold that her Honour Amymusu Jones acted quite hastily when she heard, granted, and ordered issued, letters of administration to co-appellant Rinnelle Hilton-Van Ee on October 19, 2004, the same day the petition was filed without notice to the appellees, who are also distribute of the estate of the Corinna Hilton-van Ee and entitled to share in properties of her estate. The act of Judge Jones is not only illegal; it is a clear travesty of justice.

We quote some relevant portions of the Decedents Estates Law on this point. Section 111.1 (c) (Order of Priority for Granting Letters of Administration) provides:

"Letters of administration may be granted to an eligible distributee or to an eligible person who is not a distributee upon the acknowledged and filed of all distributees ..."(Emphasis provided)

Section 111.3 (Petition; Persons Entitled to Petition for Appointment Administrator) provides:

1. Who *may* petition. *Any person interested in the estate of an intestate, or of a person alleged to be deceased or any person whose appointment as administrator all distributees consent pursuant to section 111.1, or a curator, creditor or a person interested in an action brought or about to be brought in which interstate or the person alleged to be deceased, if living would be a proper party, may present a petition to the court having jurisdiction praying for a decree granting letters of administration to him or to another person upon the estate of the intestate or the person alleged to be deceased."*

"2. Content of petition. *The petition must allege the citizenship of the petitioner and of the decedent or person alleged to be deceased, that the decedent or person alleged to be deceased left no will, or that the case is within section 111.2 and must state whether or not the interstate or person alleged to be deceased left any assets which shall be particularized as follows:*

(a) an estimation of the value of personal property, and

(b) listing of real property, specifying whether it is improved or unimproved and giving a brief description thereof, the estimated value of the real property and improvements, if any, and the estimated gross rents for the period of two years."

Section 103.7(1) (Service of process) provides:

“1. Civil Procedure Law generally followed. Except for the specifications for the special cases set forth in paragraph 2 and 3, a citation shall served in the same manner as is provided in the Civil Procedure Law for the service of a summons in an action. A copy of the petition and of supporting papers, if any, shall be served therewith on all respondents required to be served.”

We must note that co-appellant Rinnelle Hilton-Van Ee’s request to issue letters of administration to her was not made because “a proper writing purporting to be a will has been filed in the court and proceedings for its probate have not been instituted within a reasonable time or not been diligently prosecuted .” so, this is not a case within the confines of Section 111.2 of the Decedents Estate Law. And no provision of the Decedents Estate Law operates as an exception to exempt the co-appellant Rinnelle Hilton-van Ee just did not do what the law requires in such cases made and provided; she did not obtain the filed consent of the appellees,neither did she serve notice on them in respect of her petition to administer theestate of their late mother.

Our law provides that one is not bound by a decision to which he was not made a party. The purpose of this law is to afford all necessary parties to a case due process. It is clear that that due process requirement was not fulfilled in the case before us when the petition for letters of administration was filed, heard and the letters of administration issued, all acts done and carried out on the same day without notice to, or consent obtained from the appellees.

Section 107.9 of the Decedents Estates Law of Liberia gives power to the probate court which issues letters of administration to suspend, modify, or revoke them, so long as the court issuing them has jurisdiction of the estate or matter in which the letters were issued, especially where, as in this case, the grant of the letters of administration was obtained by a false representation of a material fact.

Therefore, the appellees having filed a, petition showing legal and factual reasons why the letters of administration issued to co-appellant Rinnelle Hilon-van Ee on October 19, 2004 should be set aside and-revoked, the succeeding Probate Court Judge, His Honor J. Vinton Holder was correct when he revoked the said letters of administration.

We address next, whether the Monthly and Probate Court of Montserrado County properly admitted into probate in Liberia the certified copy of the last will and testament of the late Corinna Hilton-van Ee. For the benefit of this opinion, we quote verbatim, the last will and testament of the late Corinna Hilton-van Ee:

"THE LAST WILL AND TESTAMENT OF MRS. CORINNA HILTON - VAN E E

In the name of God Amen. Let it be known, that I, Corinna Hilton-Van Ee, born in the City of Monrovia, the County of Montserrado, and an 81 year old citizen of the Republic of Liberia, being of sound mind and body, herein set my signature to this legal document as my last will and testament.

Any Wills made previously or after this date, unless attached with my authentic signature shall and will be considered false, Null and Void.

After my funeral expenses and just debt, if any, have been paid, I will and bequest the following:-

I, Corinna Hilton-van Ee will and bequest to the 1st Natural heir of my body, my daughter, Rinnelle Hilton-van Ee and the two natural heirs of her body, Ambroise Groffier and his brother, Daniel Henry Groffier, I give and bequeath 4 (Four) lots total in Corinna's Park, Sinkor, Liberia. As per lots map, I give to Rinnelle lots and bungaloms erected thereon, numbered #1, #2, in fee simple. Lots #3, and #4, with the bungaloms, I give to Iimbroise.Groffier, "My "Amb",and his brother, Daniel Henry Groffer. The (3) three bedroom bungalow is for Ambroise Groffier, and the (2) bedroom bungalow is for Daniel Henry Groffier both in fee simple.

I give and bequeath to my second child, my loving and devoted daughter Dana Hilton-van Ee, lots numbered #5, #6, #7, and #8, in Corina's Park, Sinkor, with buildings erected thereon in fee simple.

To my faithful and sincere, only son, Daniel Hilton-van Ee, I give and bequeath lots #9, #10, #12, with buildings erected thereon and the corner lot in Corinna's Park, Sinkor, which adjoins Elias Saliby's house, total (4) Our lots in Corinna's Park, Sinkor. At any rate, Daniel Hilton-van Ee is entitled to four lots as his own in fee simple.

To my fond and dear Granddaughters, Natalie Eva Hilton van Ee and Corinna E. Hilton-van Ee I entrust Dana and Daniel Hilton-van Ee to give to each granddaughter one (1) nice lot of land to be located or purchased upon high school graduation, in fee simple. Dana is to select two additional lots in fairness, either for herself or for heirs/ s or assign.

Let it be known that, the Corinna's Park, Sinkor property I inherited from my father, William Henry Hilton as the only heir of his body. These original deeds signed by the first and second Presidents of the Republic of Liberia. The home on Broad Street, which was built before I was married in 1954, given to me by my mother, M. Eva McGill Hilton as the only natural living heir

of her body, I will and bequeath to Dana and Daniel Hilton-van Ee as "HOMESTEAD" in fee simple. I request that this piece of property is never to be sold unless both feel it is most necessary and in their best interest

The pavilion Memarinna, and the adjoining lot and building, known as the Memarinna Annex, with buildings thereon, as well as the building next to the Memarinna Building where my late Mother, Mrs. M. Eva McGill Hilton resided I give and bequeath to Dana Hilton-van Ee and Daniel Hilton-van Ee as joint property in fee simple.

Let it be known that, this piece of property, I inherited from my dear mother, M. Eva McGill Hilton and her mother, Corinna Adelaide Payne McGill. These original deeds signed by Liberia's 2nd President, Steven Allen Benson. Taxes have always been paid to the Liberian Government.

A beach lot, which I inherited from my Mama, Mrs. M Eva McGill Hilton, in the Catholic Hospital area, I give and bequeath this to Dana and Daniel Hilton van Ee in fee simple. The adjoining beach lot was sold to J.T.Philips.

In Corinna's Park, Sinkor is an area sharing a common boundary with Tommy and Martha Bernard's Real Estate, known as the "Pre-Fab houses area," which is a beach front property I give and bequeath to Dana Hilton van Re and Hilton- van Ee, in fee simple. (See the Family's personal surveyor's map use a copy of the map I gave to the Bureau of Lands and Mines, Republic of Liberia for their information of the whole area of Corinna's Park, Sinkor.)

Dana Hilton-van Re is entitled to or has a legal right to enjoy a certain portion yearly of the family's investment. Dana has a right to include, her (2) two heirs or assigns, like the (4) four grandchildren mentioned above, But, the division will always be with understanding and fairness between Dana and Daniel Hilton van Ee.

The Sekou Toure Avenue house, where Eid has occupied, and Sinkor House formerly the residence of Mr. Elias, I give and bequeath to Dana and Daniel Hilton-van Ee as joint ownership for the (2) two of them in fee simple these pieces of property and any or all other vacant lots/lands I own or might own in Liberia per deed, to be used as both see fit by their judgment or rent may be divided equally between Dana and Daniel when received as they desire.

My home on Broad Street, the Hilton van Ee School, and the lot behind our home and school, the Pavilion Memarinna, and the Memarinna Annex are to be retained as "Home Stead", in the name of Dana and Daniel Hilton van Ee. Additionally, I leave these properties and all other properties and lands in Liberia I own, I leave to Dana and Daniel Hilton- van Ee in fee simple. I leave the decision to Dana and Daniel Hilton-van Ee to use their good judgment as usual to lease or sell if it

becomes necessary. Also my (6) lots in the Congo Town area which I personally purchased, adjoining the house of Francis and Eleanor Cooper, in Congo Town, I give and bequeath to Dana and Hilton van Ee in fee simple.

I will and bequest to Dana and Daniel my very kind, loving and faithful natural heirs of my body all my personal possessions named and unmentioned for only the two of them. I, Corinna Hilton-van Ee, request of, the heirs of my body Dana and Daniel Hilton-van Ee to find forgiveness for their sister Rinnelle. Yet, Dana and Daniel are under no obligation to provide for Rinnelle other than what is expressly bequeathed to her in this my last will and testimony. Rinnelle has no legal right to demand or harass or sue Dana and Daniel Hilton-van Ee for anything that I own in this world.

I repeat, any miscellaneous real estate or unmentioned property in which I possess and paid taxes and is known by Dana and Daniel Hilton-van Ee, they have a legal right to possess and utilize or dispose of as they feel best I have great confidence in their honesty and integrity.

I, Corinna Hilton-van Ee, respectfully request of this court that, no bond must be filed with the court to execute any issue herein mentioned. No inventory should be requested or required to be submitted of Dana and Daniel Hilton-van Ee by any person or persons. No reports must be made by either Dana or Daniel Hilton-van Ee to anyone to account for anything reference my estate. No demands are to be made by anyone of Dana and Daniel Hilton-van Ee, reference the contents of this will. Whatever Dana and Daniel Hilton-van Ee say or do, I pray will be respected by all parties concerned, including the Court/s of the Republic of Liberia.

If any Legatee, Devisee or Beneficiary under this Will shall in any way directly or indirectly contest or object to the probate of this Will or dispute any clause provision hereof or take any part or share of my estate against the provisions of this Will or institute or proquote, (sic) or be in any way directly or indirectly interested or instrumental in the institution or prosecution of any action, proceeding, contest or abjection or give any notice for the purposes-of setting aside or invalidating this Will or any clause or provisions for such Legatee, Devisee or Beneficiary for his or her descendents above contained in-this Will or intestacy shall be wholly void and ineffectual, and my estate shall be in like manner as though such Legatee, Devisee or Beneficiary having proceeded me, leaving no descendents who survive me.

I sincerely thank all persons/parties involved in this, my final/last Will and Testament. I pray God's Blessings on each of you, and may God Bless Liberia, the Land of My Birth, that I Love, with Peace.

I also sincerely thank Dana and Daniel for always giving me respect and Love in return, I give to each of you, Rinnelle included, God's Eternal blessings, Love and his Peace.

I, Corinna Hilton-van Ee, the natural, mother of Dana and Daniel Hilton-van Ee, have the greatest confidence in these two heirs my body. Because of my implicit confidence in each, I herein NAME AND APPOINT, Dana Hilton-van Ee, my devoted daughter as THE SOLE EXECUTRIX and my devoted ONLY SON Daniel Hilton-van Ee as THE SOLE EXECUTOR of this last will and testimony. To which herein, affix my authentic signature.

This document is notarized in the office of a Legal Representative of Boston, Massachusetts, United States of America and consisting of (4) four sheets of paper and no more.

Done in the City of Boston, Massachusetts, USA, this 10th day of July in the year of our Lord 2003.

*Signed: (Mrs.) Corinna Hilton-van Ee
Author of this document and the Mother"*

Ellen Roberts

Witness

Emily Benjamin

Witness

As stated earlier, the appellants object to the probate of the last will and testament of the late Corrina Hilton-van Ee on two main grounds: first, they contend that the procedure is that the will must be brought to court, read and notice be given so that would be objectors may file objection(s), if any, to the said will within thirty days; and if there be no objection(s), witnesses should then be adduced to testify to the contents of the will before it can be admitted into probate in Liberia. The appellants rely on section 115.5 of the Decedents Estates Law of Liberia.

We disagree. The applicable provision, of the Decedents Estates Lawo f Liberia which governs a will already admitted in a foreign jurisdiction is not section 115.5, but rather section 115.2 which provides;

"A written will which upon probate may operate upon any property in this Republic shall be admitted to probate by the Probate Court having jurisdiction over the property upon proof that it has been admitted to probate at the testator's domicile or has been established in accordance with the law of such jurisdiction and if its probate or establishment remains subject to contest under the law of his domicile, upon proof that it is not being contested thereat. A will so admitted to probate under this

section is sufficient to operate on any property within the terms of the will, subject to any limitation upon its operation imposed by the law of the testator's domicile in respect of legal capacity. Rights granted by the law, of the domicile to take against the will are not affected by this section. The only grounds upon which a will offered for probate under this section may be contested are that the conditions prescribed therein have not been satisfied or that the will has been denied original probate in this Republic."

It cannot be denied that the late Corinna Hilton-van Ee, though a citizen of Liberia, lived abroad at the time of making her will. It cannot be denied, also, that the last will and testament of the late Corinna Hilton-van Ee was probated and registered without contest in Boston, Massachusetts, U.S.A, where the late Corinna Hilton-van Be lived up to the time, of her death. Mrs. Ellen M. Roberts and Mrs. Emily Benjamin who witnessed the will issued sworn affidavits to the effect that they were present when the testator signed the will and in their opinion, Mrs. Corinna Hilton-van Ee was of age and in sound mind when she signed the will. After this, the U.S Court admitted the will in probate and appointed the appellees, Dana Hilton-van Ee and Daniel Hilton-van Ee as executrix and executor respectively, in keeping with the desire and intent of the testator, As such, the will qualifies as a foreign will of a non-domiciliary subject to the above quoted provision of the Decedents Estates Law of Liberia.

The only grounds provided by statute upon which such a will, when offered for probate in Liberia may be contested are that the conditions prescribed therein have not been satisfied or that the will, has been denied original probate in Liberia. But the conditions prescribed in the will of the deceased have been satisfied, the will is not a subject of contest at the testator's domicile; and the will has not been denied original probate in this Country. Therefore, we hold that the Monthly and Probate Court of Montserrado County acted properly in admitting the will to probate to allow for the ancillary administration of the estate of the deceased in Liberia.

The appellants' counsel, during argument before us, contended that notice was served on the appellants before the probation of the will in Boston Massachusetts, U.S.A. However, we see in the certified records *before* us a copy of the Notice of Petition for Probate of Will issued out of the Trial Court, Commonwealth of Massachusetts, Probate and Family Court Department, in the estate of Corinna Hilton-van Ee, the late of Boston, in the County of Suffolk, dated December 31, 2004. The notice is addressed to all persons interested in the estate of the late Corinna Hilton-van Be, informing them that a petition has been presented praying that a document purporting to be the last will of the late Corinna Hilton-van Ee be proved and allowed, and that Dana Hilton-van Ee and Daniel Hilton-van Ee be appointed as

executors. The notice further informed all interested persons desiring to object to file a written appearance in said court at Boston, U.S.A., on or before ten o'clock in the forenoon (10:00 *AM*) on February 3, 2005. In addition, interested person(s) were advised to file a written affidavit of objections to the petition, stating specific facts and grounds upon which the objection is based and this was required to be done within thirty (30) days.

The records show that copies of the notice were sent by mail to the known address of Rinnelle Hilton-van Be, Ambroise Goffier, Daniel Henry Goffier, Natalie Eva Hilton-van Ee and Corinna E. Hilton-van Be, all interested persons residing in the U.S.A. The notice was also published in local newspaper(s) Boston, U.S.A. Thereafter, the Attorney representing Dana Hilton-van Ee and Daniel Hilton-van Be, Daniel P. Decay, Esq., filed Return of Service in the Probate and Family Court Department of the Commonwealth of Massachusetts, under the penalties of perjury, stating that indeed, he served the notices on all interested parties by mail.

However, we see in the records before us, a letter written by Jacques A. Dessin, the Attorney who represents co-appellants' Rinnelle Hilton-van Ee in the United States of America dated September 25, 2006, to Counsellor Beyan D. Howard, the appellants' counsel in Liberia. The letter reads:

"DESSIN LAW OFFICES

236 Huntington Avenue

Suite 302-403

Boston, MA 02115

Phone: (617) 262-4800 Fax: (617)262.4805

VIA IN-HAND DELIVERY

September 25, 2006

Attorney Beyan D. Howard

Counsellor At Law

Legal Consultant, Inc.

Carey Street

P.O. Box 204192

1000 Monrovia 20, Liberia

RE: *Legal Challenge to Improper Probate of Purported Will of the late Corinna Hilton-van Ee dated July 10, 2003 and the Legal efforts in Boston, Massachusetts, USA to Rectify this Matter.*

Dear Attorney Howard:

Pursuant to the request of our client, Rinnelle Hilton-van Re, I am writing this letter to advise you of the status of the above entitled matter. As you know, Rinnelle Hilton-van Ee has a very compelling case in the U.S. to challenge the purported last Will and Testament of the late Corinna Hilton-van Ee (hereinafter "decedent"), dated July 10, 2003. The totality of the circumstances which include the following: (1) The fact that the decedent was likely deemed mentally incompetent and thus unable to freely, voluntarily and intelligently sign the Will as a legal document under Massachusetts Law; (2) That Dana Hilton-van Ee and Daniel Hilton-van Ee, as executors of the decedent's estate concealed the administration of the decedent's estate and failed to provide direct legal notice to Rinnelle even though they and their Attorney had specific knowledge about the exact location of our client's Massachusetts residence; (3) One of the witnesses to the signing of the Will, Ellen Roberts, has provided private testimony that will support the merits of Rinnelle's case that the decedent was not of sound mind at the time of the signing of the Will; (4) That Rinnelle has taken specific steps to notify several U.S. organizations about the ethical and unlawful practices undertaken by the Attorney and Notary Public employed by Dana Hilton-van Ee; (5) The fact that the Commonwealth of Massachusetts' estate recovery unit is also seeking to recover approximately \$15,000.00 from Dana, Daniel, and the estate of the decedent for their failure to administer the estate properly and pay the state for Medicaid services provided to the late Mrs. Hilton van Re. The following a summary of the status of the case:

Summary of the Case

Improper Probate of Purported Last Will and Testament of Corinna Hilton-Van Ee

On December 23, 2004, Dana Hilton-van Ee and Daniel Hilton-van Ee petition with the Suffolk County, Probate and Family Court to probate the July 10, 2003 Will of the late Corrine Hilton-van Ee. As Petitioners, Dana and Daniel also successfully requested that the court appoint them co-executors to administer said Will. Although Dana Daniel published a general notice to all interested parties to the probate matters in the local newspapers nevertheless failed to provide direct notice of their sister Rinnelle Hilton-van Ee, their sister and heir to the estate even though they and their Attorney had specific knowledge and information about her address and residence at such time. In the cause of the probate proceedings, Dana, Daniel their Attorney directed Izzetta Cooper and Cynthia Garber to submit what we believe to be the original versions of a 1996 or 1997 Will regarding the decedent estate. On April 20, 2005, the Commonwealth of Massachusetts' Estate Recovery Unit filed a notice of claim in an effort to recover approximately \$15000.00 for medical assistance provided to the decedent prior to her death. Dana, Daniel and the estate failed to pay said debt in accordance with Massachusetts Law. In light of the concerted effort by Dana and Daniel to

prevent comprehensive notice and participation on the part of Rinnelle she was never able to assert her rights or challenge the dubious Will. As a matter fact, Rinnelle has just recently discovered sufficient facts regarding the mental condition of her mother at the time of the purported signing of the 2003 Will giving rights to what is a valid legal challenge to the entire probate process which was surreptitiously undertaken by her siblings In light of the foregoing,we are now mounting a strong legal challenge to Will and the probate process.

Actions Taken by or on behalf of Rinnelle van Ee

In the effort to bring to light the legal injustice and apparent fraudulent administration of the decedent's estate, Rinnelle has taken the following actions:

- 1. drafted complaints to the Board of Bar Overseers, the organization that charged with the responsibility of registering and discipline Attorney in the Commonwealth of Massachusetts concerning the possible unethical legal practices by Attorney Daniel Dacey for failing to provide direct legal notice to Rinnelle even though he knew her exact residence while the purported Will was being probated;*
- 2. drafted complaints to the Massachusetts State Government Legal Office concerning the apparent unethical legal practices by notary public Nora Pepper for failing to follow the required legal steps to ascertain the competency and ability of the decedent to understand the effect of the Will and her action of attempting to execute said Will on or about July 10, 2003;*
- 3. prepared documents to the Register of the Probate Court an elected official who is responsible for the proper administration of the Suffolk County Probate and Family Court in Massachusetts notifying him of this legal dispute.*

Action Taken by Dessin Law Offices on behalf of Rinnelle Hilton-van Ee

Our Law firm immediately commenced legal representation of Rinnelle after she retained our services earlier in the month of September 2006. We have counseled Rinnelle about the process of challenging the Will which was probated in connection with her mother's estate. We have also contacted and spoken to Ellen Roberts, one of the witnesses to the purported Last Will and Testament of decedent. Mrs. Roberts is working with our Law Firm to finalize her affidavit which will repudiate her previous statement regarding the legal competence of the decedent at the time of the signing of the Will on July 10, 2003. We are also in the process of contacting Emily Benjamin, the other witness to the Will. We anticipate that her testimony will corroborate that of Ellen Roberts in support of our effort to challenge the entire fraudulent probate process undertaken by Dana Hilton- van Ee.

As you know, Cynthia Garber and Izzetta Cooper are two other individuals who are involved in this case because they were holding documents which we believed to be the legal last will and testament of

the decedent Mrs. Garber and Cooper were instructed to return the aforementioned documents to Dana Hilton van Ee and/or her Attorney. Mrs. Garber has communicated her desire to testify and cooperate with our efforts to bring into light the truth and facts concerning the foregoing.

This office will zealously challenge the 2003 will and the fraudulent probate of said will by Dana and Daniel. I strongly believe that the facts and the law will compel the courts in both the United States and Liberia to allow Rinnelle's challenge in an effort to insure that only the true intent of the late Corinna Hilton-van Ee is honored. If you have any question or should you require any additional information, please do not hesitate to contact our office

Very truly yours,

Jacques A. Dessin, Esq.

cc: Rinnelle Hilton-van Re"

Notwithstanding the foregoing letter, we see clear and convincing indications that notices were indeed served on all the interested parties in the U.S.A., but they took no action to protect their interest(s), if any, they had. But even if actual notices were not served on the appellants as the letter suggests and as the counsel representing the appellants in Liberia has stated in his brief and argued before this Court, the above quoted letter from the appellants' attorney in the U.S.A. shows that the appellants had constructive notice of the probate of the will of the late Corinna Hilton-van Be and the appointment of the appellees, Dana Hilton-van Be and Daniel Hilton-van Ee as executrix and executor respectively long before September 25, 2006. Constructive notice is "information or knowledge of fact imputed by law to a person, although he may not actually have it, because he could have discovered the fact by proper diligence, and his situation was such as to cast upon him the duty of inquiring, into it." ***JOS Hansen & Soehne (Liberia) Ltd. v. CITIBANK***, 35 LLR 10 (19'88).

The question is, what have the appellants done since they became aware of the filing of the matter concerning the will of the deceased in the U.S. Court? What action have they taken to challenge the will which they claim was improperly probated? The truth is that the appellants have not taken any action to challenge the will. It is clear from the letter quoted above that all the attorney for the appellants in the U.S.A. has done is "counseled Rinnelle; drafted complaints to the Board of Bar Overseers; drafted complaints to the State of Massachusetts Government L Office; and prepared documents to the Register of the Probate Court." There is a vast difference between drafting or preparing and the actual filing of a matter in court. As far as we are concerned, no complaint or objection has been filed in court in the domicile of the testator, against the probate of the will, or against the appointment of the appellees,

Dana Hilton-van-Ee and Daniel Hilton van Ee as executrix and executor under the will of the deceased.

The letter alleges that Mrs. Ellen Roberts, one of the witnesses to the will of the late Corinna Hilton Van Ee has indicated that she would testify to the effect that the late Corinna Hilton-van Ee was not of sound mind at the time .of the will, but no action has been taken to bring this important information to the attention of the court in the U.S.A. and to have Mrs. Roberts appear in court and to so testify.

The letter alleges, also, that there is another will of the late Corinna Hilton-van Ee in the possession of Cynthia Garber and Izetta Cooper which the attorney representing the appellants in the U.S.A. believes to be the "legal last will and testament of the decedent" and that Mrs. Garber has communicated her desire to testify and cooperate to "bring to light the truth and facts..." Again, no action has been taken to bring whatever truth there may be to light.

But if indeed there is another will of the deceased, we wonder when the appellants became aware of the existence of such will? Did they know of it before co-appellant Rinnelle Hilton-van Ee filed petition at the Monthly and Probate Court of Montserrado County on October 19, 2004 stating under oath that the deceased died leaving no will and praying to be appointed administrator of the "intestate" estate of the late Corinna Hilton-van Ee? And if such will was discovered subsequent to the filing of the petition for letters of administration, why has co-appellant Rinnelle Hilton-van Ee not brought this vital information to the attention of the Monthly and Probate Court of Montserrado County?

The second ground on which the appellants object to the probation of the will of the late Corinna Hilton-van Ee is that during the life of the deceased, she sold and conveyed certain real properties to co-appellant Rinnelle Hilton-van Ee which properties should not form part of the will of the deceased. The properties listed as having been sold and conveyed to co-appellant Rinnelle Hilton-van Ee are the residence and school building located on Broad Street, the Memarinna Building & Annex on Front and Randall Streets, a house on Sekou Toure Avenue, and what is known as the Corina Park, containing several bungalows in Congo Town.

We observe that the above listed properties which co-appellant Rinnelle Hilton-van Ee alleges were sold and conveyed to her by her late mother are .the identical properties covered under the will of the deceased. We observed, also, that transfer deeds said to have been issued by the deceased to co-appellant Rinnelle Hilton van-

Ee covering the properties are all dated June 24, 1999. Now, if it is established that these properties were truly conveyed by the deceased during her life time, it means that she parted with title before her death; therefore they cannot legally form part of her will. It means, also, that there is virtually no property left to be conveyed under the will of the deceased.

But based on the records before us, we do not agree that the late Corina Hilton sold and conveyed the real properties listed by the appellants to co-appellant Rinnelle Hilton-van Ee. Our position is based on the following considerations:

Firstly, the appellees' counsel stated in his brief and argued before this Court (and this was not refuted by the appellants' counsel) that long before her death, a serious rift developed between the deceased and her oldest daughter, co-appellant Rinnelle Hilton-van Ee, concerning several actions taken by co-appellant Rinnelle Hilton-van Ee while serving as attorney-in-fact over the estate. For this reason the deceased revoked the power of attorney granted to co-appellant Rinnelle Hilton-van Ee to manage her estate.

In the second and third paragraphs of a letter of authority written to Counsellor Henry Reed Cooper of the Togbah and Cooper Law Office by the deceased on November 29, 1997 to serve as legal advisor and counselor in the matter of her estate, the deceased writes as follows:

"Let it be known that all Power of Attorney given to anyone for the years 1990 to 1994, specially to my daughter, Rinnelle Hilton-van Ee, and Edwin J. Cooper, Jr., have both been cancelled in writing by me and I (sic) considered Null and Void.

It is understood and agreed that, in case of my inability to function, absence or death, only these two (2) natural heirs of my body, my daughter, Dana Hilton-van Ee and my son, Daniel Hilton-van Ee has/have the legal right to act on my behalf. Realizing life's uncertainties and because of my confidence in Dana and Daniel, the individual signature of either of my heirs herein mentioned or both signatures should be accepted and honored for further legal instructions and my authorization to cancel or terminate this legal notarized document."

Secondly, it appears that the mother and her daughter did not settle their differences until the death of the mother on July 16, 2003 in the U.S.A. If things got worse between the two as will be seen from yet another communication written by the mother while she was ill in hospital in the U.S.A:

*"Mrs. Corinna Hilton-van Ee
285 Beacon Street — Boston,
Massachusetts 02116 — 1216 — USA
Telephone: (617) 266 — 0419*

*Boston, Massachusetts
March 26, 2003*

TO WHOM IT MAY CONCERN

This is to certify that, I, Corinna Hilton-van Ee, born in the City of Monrovia, Liberia, West Africa, (a citizen — natural born of Liberia) being in my sound mind herein wish to reveal to all parties concerned:

The Medical Person/Hospital, and the Courts (any Court or Legal Authority) that, Rinnelle Hilton-van Ee (formerly Mrs. R. Groffier), my daughter, has no right whatsoever to interfere with my Living Will or Estate, nor any instructions of mine given to the Funeral home, Crematory, and Church regarding my body and internment plans.

Rinnelle may attend the services, funeral, etc. peacefully if she desires. Rinnelle has avoided contact with me, her mother, since 1998 when she was in Liberia for a brief while. I arrived in Boston, Massachusetts on January 12, 2001, and up to the present, she continues to estrange herself sad to say. Therefore, Rinnelle, or her heirs has/have no legal rights or voice over my dead body, or any of my directives and instructions.

Only my two legitimate heirs of my body, Dana Hilton-van Ee and Daniel Hilton-van Ee, who have been devoted to me in life, have my permission for final decisions.

*(Mrs.) Corinna Hilton-van Ee
Witness: Print Name & Sign
Mageorie Dejoie*

*Witness: Print Name & Sign
KayonKerk*

As seen from the fore going letter, the deceased maintains that her daughter, co-appellant Rinnelle Hilton-van Ee, avoided her and had not contacted her since 1998, up to and including March 26, 2003, the date of the above quoted communication. And all indications are that she did not contact her mother until her

demise on July 16, 2003. Under the circumstance, how is it possible that the deceased could have sold and conveyed the listed properties to co-appellant Rinnelle Hilton-van Ee on June 29, 1999? We find it very hard to believe.

Thirdly, when co-appellant Rinnelle Hilton Van Ee was appointed administrator of the "intestate" estate of the deceased on October 19, 2004, her lawyer, the David A.B Jallah Law Firm, wrote a letter copies of which were sent to all persons who were at the time, on the premises of the estate of the late Corinna Hilton-van Ee, including those who were occupying the residence and school building located on Broad Street, the Memarina Building & Annex on Front and Randall Streets, the house on Sekou Toure Avenue, etc. We quote the letter:

*"THE DAVID A.B. JALLAH LAW FIRM
JOHNSON & BROAD STREETS
P.O. BOX 4069
MONROVIA, Liberia
Tel: 1223373 Telex:66271 Telefax: 226285*

October 22, 2006

*TO: ALL OCCUPANTS OF THE PROPERTIES OWNED BY THE INTESTATE
ESTATE OF THE LATE MRS. CORINNA HILTON-VAN EE*

Greetings:

We wish to inform you that our client, Madam Rinnelle Hilton-van Ee, one of the lineal heirs of the late Mrs. Corinna Hilton-van Ee, has been granted Letters of Administration by the Monthly & Probate Court, Temple of Justice, Montserrado County, Republic of Liberia, authorizing her to administer the Intestate Estate of her late mother.

We therefore advise that you kindly cooperate with her in the discharge of her duties as she endeavors to administer the aforementioned Intestate Estate, in her capacity as Administratrix.

Madam Rinnelle Hilton-van Ee will be pleased to provide you with copy of her Letters of Administration should you so desire.

Kind regards.

Sincerely,

Augustine C. Fayiah

ATTORNEY-AT-LAW".

MEMBER, NEW YORK BAR U.S.A.

We ask, if co-appellant Rinnelle Hilton-van Ee became owner, in fee simple, of the properties in question in 1999, as she alleges, why did her lawyer inform people occupying said properties to deal with her as administrator of the "intestate" estate of the late Corinna Hilton-van Ee? The answer to this question is simple; the properties were never sold and conveyed to co-appellant Rinnelle Hilton-van Ee while the deceased was still alive.

Based on the foregoing, we hold that the late Corinna Hilton-van Ee, prior to her death, did not sell nor convey any property to co- appellant Rinnelle Hilton-van Ee. Her clear intent was to will and bequeath the bulk of her properties she owned during her life, to the persons of her choosing, in this case, to Dana Hilton-van Ee and Daniel Hilton-van Ee, her other children, whom she said were devoted to her, and cared for her while she was alive. Her intent to give most of her properties to the appellants is not only manifested through her will, but also through the many communications mentioned above.

This Court has held that "where property is willed by a testator and becomes operative by probate, no heir, lineal or collateral, of the testator can legally assert any claim to the subject property..." *Miller et al v. Parker*, 30 LLR 412 (1982).

This Court has also held that 'where the intention of the testator is clearly and unambiguously expressed in the language of the will, no construction proceeding is required, and Court may order the execution of the provisions of the will." . *Cooper v. Cooper*, 17 LLR 503 (1966).

The last issue is whether or not the Monthly and Probate Court of Montserrado County acted properly, also, when it granted summary judgment in favor of the appellees in this case?

Section 11.3(3), of the Civil Procedure Law provides:

"The Court shall grant Summary Judgment if it is satisfied that there is no genuine issue as to any material fact and that the party in whose favor judgment is granted is entitled to it as a matter of law.. "

As stated earlier, the Decedents Estates Law of Liberia provides grounds on which a will of a non domiciliary testator, when offered for ancillary probate in Liberia, riny be Contested or objected to. Any objection to such will must state specifically that a) the will remains subject to contest at the domicile of the testator and b) the will has been denied original probate in Liberia. None of these grounds was stated in the objection filed by the appellants. On the other hand, there are all indications that the will of the late Corinna Hilton-van Ee was admitted into probate without contest in the Commonwealth District of Massachusetts, U.S.A. on April 19, 2005. And even as we speak, there is no evidence that an objection has been filed in any U.S. court against the probation of the will of the late Corinna Hilton-van Ee.

The appellants having not stated any of the statutory grounds in their objection, we agree with the ruling of the Monthly and Probate Court of Montserrado County that there exists no genuine issue as to any material fact. Therefore, the appellees are entitled to summary judgment as a matter of law.

We cannot conclude this opinion without ensuring that the intent of the late Corinna Hilton-van Ee, as expressed in one of the clauses of her will is carried out. The clause in reference states:

" If any Legatee, Devisee or Beneficiary under this Will shall in any way directly or indirectly contest or object to the probate of this Will or dispute any clause or provision hereof, or take any part or share of my estate against the provisions of this Will or institute or proquote, (sic) or be in any way directly or indirectly interested or instrumental in the institution or prosecution of any action, proceeding, contest or objection or give any notice for the purposes of setting aside or invalidating this Will or any clause or provisions for such Legatee, Devisee or Beneficiary for his or her descendents above contained in this Will or intestacy shall be wholly void and ineffectual, and my estate shall be disposed of in like manner as though such Legatee, Devisee or Beneficiary having preceded me, leaving no descendents who survive me."

In the case: **Bryant v. Roland**, 8 LLR., 394 (1944), this Court held that "in the exposition of wills the first great rule to which all other rules must be subservient is that the intention of the testator expressed in his will shall prevail provided it is consistent with the rules of law." In other words the intent of the testator is always paramount and must be carried out, absence a show of inconsistency in the will. We have not seen any inconsistency in the will of the testator in this case; therefore we hold that her will must prevail.

The late Corinna, Hilton-van Ee' s clear intent was that her will, under no circumstance, should be contested by any legatee, devisee, or beneficiary. The penalty determined by the testator herself for anyone contesting or objecting to her will is forfeiture of any devise, made to such contesting legatee, devisee, or beneficiary. We hold, therefore, that for contesting and objecting to the last will and testament of the late Corinna I-Elton-van Ee against her expressed intent, the appellants, Rinnelle Hilton-van Ee and her children, Robert A. Goffier, and Daniel A. Goffier hereby lose, forfeit, and must surrender the devises made to each of them under the last will and testament of the late Corinna-Hilton-van Ee.

WHEREFORE, and in view of the foregoing, the ruling of the lower court admitting into probate, in Liberia the last will and testament of the late Corinna Hilton-van Ee for ancillary administration of the properties of the deceased in Liberia is hereby confirmed with modification that the appellants, Rinnelle Hilton-van Ee and her children , Robert A. Goffier, and Daniel A. Goffier hereby lose, forfeit and must surrender the devises made to each of them under the last will and testament of the late Corinna Hilton-van Ee for contesting and objecting to the said will. The Clerk of this Court is ordered to send a mandate to the Monthly and Probate Court of Montserrado County to resume jurisdiction over this case and give effect to this ruling. Costs ruled against the appellants. It is so ordered.