

St. Stephen Episcopal Church, by and thru Rev. Fr. A. Too Williams, of the City of
Monrovia, Republic of Liberia Appellant VERSUS **John Gbedze**, by and thru his
Attorney-In fact, Clarence Tay, also of the City of Monrovia, Liberia Appellee

LRSC 54

APPEAL

JUDGMENT

When the case was called for hearing, Counsellor J. Johnny Momoh of Sherman and Sherman, Inc. appeared for the appellant. Counsellor Peter W. Howard of Legal Consultants, Inc. appeared for the appellee.

Having heard the legal arguments and contentions advanced by the parties, reviewed the facts and circumstances presented by the parties and revealed by the records, and having examined the laws cited and relied upon by the parties, and being satisfied upon the said examination and review that the trial judge committed reversible errors in entering final judgment in the case while disposing of the law issues, it is hereby

ADJUDGED:

That the final ruling/judgment entered by the trial judge while disposing of the law issues, holding the appellant liable to the appellee and ordering that the appellant be ejected, evicted and ousted from the property, subject of dispute in these proceedings, being without legal and factual merits and being contrary to law, is hereby reversed. The Court, having observed that the pleadings exchanged by the parties contained mixed issues of law and facts, it was error on the part of the trial judge to conclude the case during the disposition of the law issues.

Accordingly, the case is remanded and the trial court is instructed to have a new hearing, commencing with the disposition of the law issues. In order that the errors made at the previous hearing are not repeated, we direct that the new hearing conform to the following directives:

- (a) That as the pleadings do not reveal that any challenge was made to the letters of administration issued to Edmund Coleman, and upon which he acted in conveying the two lots to the defendant/appellant, this cannot be a matter of dispute or challenge at the trial; and
- (b) That the issue of the probate court authorization not having been raised by the plaintiff/appellee, it cannot be a matter for consideration at the trial.

The Clerk of this Court is hereby ordered to send a Mandate to the Civil Law Court, Sixth Judicial Circuit, Montserrado County, commanding the judge presiding therein to resume jurisdiction over this case and give full effect to this judgment. Costs are to abide the final determination of this case.

GIVEN UNDER OUR HANDS AND SEAL OF THE HONOUR- ABLE SUPREME
COURT OF THE REPUBLIC OF LIBERIA THIS 2nd DAY OF AUGUST, A. D. 2013.

[Please see pdf for signatures]