

SAMUEL COOPER DUOBO, DOE SAYDEE
DUOBO, and THOMAS SAYTUE DUOBO, et al.,
Appellants/Respondents, v. SAMUEL DAVIES,
Appellee/Informant.

APPEAL FROM THE JUDGMENT OF THE MONTHLY AND PROBATE COURT FOR
MONTSERRADO COUNTY.

Heard: April 7, 2003. Decided: May 9, 2003.

1. A creditor or other persons interested, persons acting on behalf of an infant or surety to a bond may petition a probate court to suspend, modify or revoke the letters of administration and to cite the fiduciary to show cause why the petition should not be granted where the grant was obtained by false suggestion of a material fact.
2. There is a prescribed procedure for change of name which must be followed in order to render the change valid.
3. Where the court revokes the letters of administration *de bonis non* granted an administrator based on misrepresentation, all actions taken by the administrator based on the appointment, including the sale or other disposition of properties of the estate are in turn rendered null and void.

The appellants appealed to the Supreme Court from a ruling of the Monthly and Probate Court for Montserratado County granting the appellee's bill of information filed with that court and revoking, as prayed for in the said bill of information, the letters of administration *de bonis non* which the court had previously issued to the appellants. The lower court had determined that as the letters of administration had been issued to the appellants based on fraud, deception and misrepresentation, including the fact that the appellants' names were not what they purported to be and that one of the administrators whom they had alleged had died was still alive, a proper legal basis was presented to

revoke the letters of administration issued to the appellants.

The Supreme Court affirmed the trial court's ruling, holding that sufficient evidence had in fact been presented to show that the appellants had deceived the trial court regarding their true identity, the relationship they bore to the decedent, and the alleged death of the original administrators of the estate. The Court noted further that as the change of name made by the appellants to have their names conform to that of the decedent was not in conformity with the requirements of the law, the same was of no legal effect. Accordingly, the Court declared as void all transactions done by the appellants in their capacity as administrators *de bonis non* of the decedent estate.

Joseph H. Constance of Greene and Associates Law Firm appeared for the appellants. *C. Alexander B. Zoe* of Providence Law Associates and *Sylvester S. Kpaka* of the J. D. Gordon Law Firm appeared for the appellee.

MR JUSTICE WRIGHT delivered the opinion of the Court.

Mr. Druma Duobo died intestate and at the time of his death was seized of several acres of land situated and lying at the St. Paul Bridge area of Bushrod Island, Monrovia. Messrs. T. Tula Duobo and Wesseh Sackor Duobo were appointed administrators of the decedent's intestate estate on June 27, 1988, after the Monthly and Probate Court for Montserrado County had granted their petition duly filed with the said court.

In their capacity as administrators, the said individuals, on April 20, 1990, sold a piece of the land of the Estate, containing 0.5 lot, to Informant Samuel Davies for \$600.00. The informant had earlier developed the property and had built two houses on thereon.

The respondents, who had allegedly changed their names by adding "Duobo" to their original names, filed a bill of information before the Monthly and Probate Court

alleging that the administrators, T. Tula Duobo and Wesseh Sackor Duobo, had died and that therefore they, being the next of kin, should be appointed by the Court as administrators *de bonis non*. The Probate Court granted the information and appointed the respondents as per their prayers.

Upon their appointment as administrators *de bonis non*, the respondents herein executed on April 5, 1994 a deed in favor of Beatrice Suah, a former wife of the informant. The informant, Samuel Davies, upon hearing that the respondents had been appointed administrators *de bonis non*, filed a bill of information informing the Probate Court that its appointment of respondents was based on deceptive and false information that the original administrators, T. Tula Duobo and Wesseh Sackor Duobo had died. The informant therefore prayed the Probate Court to revoke the letters of administration *de bonis non* issued in favor of the respondents.

The respondents, in their returns filed to the bill of information, contended that T. Tula Duobo and Wesseh Sackor Duobo had died before the informant obtained his deed and that the signatures on said deed, purported to be those of T. Tula Duobo and Wesseh Sackor Duobo, were forged signatures.

Pleadings rested, the law issues were disposed of, and a regular trial was held. Thereafter, the court entered final judgment in favor of the informant revoking the letters of administration *de bonis non* issued to the respondents on the grounds of fraud, deception and misinformation. The respondents have appealed to this Honourable Court for a review of that judgment.

The only question for this Court's consideration is whether or not information upon which the court relies to appoint one as administrator, when found to be false and misleading, constitutes sufficient basis in law for the court to revoke its letters of appointment.

We answer this question in the affirmative, and expound further thereon by quoting hereunder the final ruling of the trial court:

"Court's Final Ruling on the Bill of Information:

The Informant Samuel Davies, on the 17th day of April, A. D. 1995, filed a six (6) count bill of information in which he alleged that he was issued a deed on April 20, 1990 by T. Tula Duobo and Wesseh Sackor Duobo, the then administrators of the St. Paul Bridge Community, both of whom this Court was made to believe had died, and based on such information, this court decreed that letters of administration *de bonis non* be issued to respondents on February 24, 1993; that the petition upon which said letters were issued is false, misleading and pleaded in bad faith and the administrators who were alleged to have died are not dead and one of them is a police officer; that the names of Doe Saydee Duobo and Samuel Cooper Duobo, two (2) of the appointed administrators, are fictitious in that they both deceived this court by giving names other than their own, claiming to be Duobos, when in fact they are Doe Saydee and Samuel D. Cooper. Doe Saydee Duobo on January 5, 1983 issued a receipt to one Miss Beatrice Suah as Doe Saydee, Assistant Secretary of the said Community and it was also approved by Samuel D. Cooper, who is now claiming to be Samuel Duobo; that those men overnight become Duobos and went to the extent of claiming the death of a man who is still alive and works as a captain in the Liberian National Police Force; that the man, Wesseh Sackor Duobo, because of fear of being harmed by those men, remained quiet as they had threatened to harm him if he should ever appear in court to testify to the truth; that Messrs. Doe Saydee and Samuel D. Cooper illegally and without any color of right issued a deed to one Miss Beatrice Suah on April 5, 1994 for the very parcel of land which was sold to the informant by the former administrators; that the deed was presented for probate and was probated without meeting the standard set by the Ministry of Lands, Mines and Energy requiring that before any deed is submitted for probate it should

meet the approval of said Ministry. Informant then prayed this court to summon the respondents to show cause why they should not be held in criminal contempt for their *alleged* behavior.”

The respondents also filed a six (6) count returns to informant’s bill of information, alleging therein that as to the deed allegedly issued by T. Tula Duobo and Wesseh Sackor Duobo, said deed is a fraudulent instrument in that both T. Tula Duobo and Wesseh Sackor Duobo had died before the purported deed was made and that their signatures were clearly forged on it as grantors while Samuel D. Cooper’s signature was also forged on it as a witness. The respondents stated that they did not mislead this court to obtain the letters of administration *de bonis non* and that they stand by everything that was contained in said petition. Co-respondents Samuel Cooper Duobo and Doe Saydee Duobo also contended that Samuel Cooper Duobo was reared by one James Cooper of Harper City, Cape Palmas, who provided education for him and gave him the Cooper name in place of his own father’s name of Duobo; that in order not to lose his own Duobo name, which is his real name, he maintained it as a middle name represented by the letter “D”; hence he was known by friends as Samuel Duobo Cooper. But in actuality, he is Samuel Cooper Duobo. As to Co-respondent Doe Saydee Duobo, he has denied that said name is fictitious as alleged by informant, in that the late Druma Duobo was his natural father and it was Co-respondent’s Uncle Doe Wleh Saydee, a former Revenue Collector, who not having a child, reared and educated the co-respondent and gave him his name (Saydee), a name which the co-respondent felt was depriving him of his family name (Duobo) and hence he therefore changed same to Doe Saydee Duobo; that the deed which was issued to Miss Beatrice Suah on April 5, 1994 was for a parcel of land for which they had and still have the

original deed and said parcel of land had not been deeded to anyone prior to its sale to Beatrice Suah. The respondents contended also that the informant's deed, which he relied on, has not met the requirements of the Ministry of Lands, Mines and Energy, and therefore he cannot use that requirement/standard to attack the deed issued to Miss Beatrice Suah by them (he that comes to equity must come with clean hands).

This Court, under the gavel of Judge Gloria Musu-Scott, now Chief Justice, passed on the law issues on the 26th day of February, A. D. 1996, suspended the said letters of administration, and ruled to trial the issue of whether or not respondents misled this court in obtaining the letters of administration *de bonis non* and whether the said letters are therefore null and void *ab initio* (Decedent Estates Law, chapter 107, Section 107.10 (d)).”

Trial commenced on Thursday, May 15, 1997 with Informant Samuel Davies taking the stand as the first witness for informant. He testified to exactly what is contained in the said bill of information to the effect that he bought a parcel of land in 1990 from T. Tula Duobo and Wesseh Sackor Duobo, the administrators of the St. Paul Bridge Community and built houses on said land, but that the respondents deceived this Court when they petitioned it for letters of administration *de bonis non* alleging that the administrators had died, and same was granted. They proceeded to sell to one Beatrice Suah, his former traditional wife, the very land he had purchased and built houses on; that Wesseh Sackor Duobo is not dead, but alive and works for the Liberian National Police. Then came the testimony of Captain Gibson K. Sackor who testified that he did not know if Samuel Davies owned any land at the St. Paul Bridge Community, and that he did not know any Wesseh Sackor Duobo and was not Wesseh Sackor Duobo. Peter N. Blama, the surveyor, testified that he had met

Informant Davies in 1994 and that he was asked to insert a figure/amount of \$600.00 into a deed he had; that when he questioned the authenticity of said deed, the informant led him to the cafeteria (Temple of Justice) and introduced him to a police officer called Wesseh Sackor Duobo who confirmed the genuineness of said trans-action. Inspector A. B. Blamo, Jr. identified Captain Gibson Sackor as being Wesseh Sackor Duobo. William D. Ware, Sr., Director of Personnel of the Judiciary identified Co-respondent Saydee as Doe N. Saydee, an employee of the Judiciary assigned to the Temple of Justice, Criminal Court "A", as clerk/typist. Informant offered into evidence, which was admitted by this court, his deed and tax receipts for the properties, as well as photographs taken in his alleged homes build on said parcel of land.

The respondents witnesses took the stand, in the persons of Samuel D. Duobo, Thomas Saydee Duobo and Doe Saydee Duobo, and reiterated what was contained in their returns to the bill of information as filed before this court on the 17th day of April, A. D. 1995. They asked for the admission into evidence the deed to Beatrice Suah, which was duly admitted.

The question/issue this court is left to decide is the same as before: whether or not the respondents did mis-lead this court in obtaining their letters of administration *de bonis non* as contemplated by the New Decedents Estates Law, Chapter 107, section 107.10(d), which renders it revokable. This court will now quote the appropriate law for the benefit of both parties. Section 107.10(d), New Decedent Estate Law, SUSPENSION, MODIFICATION, OR REVOCATION FOR DISQUALIFICATION OR MISCONDUCT, states:

"In any of the following cases a creditor or person interested, any person in behalf of an infant or any surety on bond of a fiduciary, may present to the court having jurisdiction a petition

praying for a decree suspending, modifying or revoking those letters and that the fiduciary may be cited to show cause why a decree should not be made accordingly: ... (d) where the grant of his letters was obtained by a false suggestion of a material fact.”

The informant alleged in his bill of information that the respondents changed their names and misrepresented to this court that Wesseh Sackor Duobo was dead which enabled them to obtain a decree from this court granting them letters of administration *de bonis non*.

This Court says from a review of the evidence in this matter, especially the testimony of the informant, which was corroborated by Inspector A. B. Blamo, Jr. and Peter N. Blamo, the surveyor, circumstantial evidence, shows that indeed Captain Gibson Sackor of the Liberian National police is Wesseh Sackor Duobo of the St. Paul Bridge Community and is not dead although Captain Gibson Sackor denied same. As to the issue of the change of name, there is a procedure for the change of name in our jurisdiction which we note was not followed by the respondents in this matter. See chapter 67, sections 67.1 and 67.2, pages 284 and 285, 1 LCL Revised.

As to the matter of the deeds in question, this involves the question of title and fraud, which this court has no jurisdiction over, and hereby advises the informant to proceed to the appropriate forum for redress.

WHEREFORE, and in view of the above, the letters of administration *de bonis non* given to respondents are hereby cancelled and revoked, thereby making them null and void as same are violative of the New Decedents Estates Law of Liberia, chapter 107, section 107.10 (d). Further, the respondents are hereby held in contempt of this court and are to pay the sum of US\$20.00 each, including Captain Gibson Sackor, alias Wesseh

Sackor Duobo, to be paid into the revenues of this country and the original receipts filed with the clerk of this court within 72 hours or face imprisonment in keeping with law.”

We find the final ruling of the trial court just above quoted to be adequate, comprehensive and thorough on the subject, and therefore hereby accordingly incorporate and adopt same by reference as part of this opinion, for which we hold that said final ruling of the trial court ought not to be disturbed. The said final ruling of the trial court is hereby confirmed and affirmed.

Having confirmed the action of the trial judge in cancelling and revoking the letters of administration *de bonis non* given to the respondents, we at this time also declare that any and all actions taken by the respondents in their capacity as administrators *de bonis non* based on their appointment, which has now been revoked, including the sale or other disposition of properties of the estate, are also in turn declared null and void as their capacity to act was based on misrepresentation.

Pursuant to the above, all properties disposed of by the respondents, if any, are hereby ordered returned to the Duobo Estate for proper distribution in keeping with law.

WHEREFORE, and in view of the foregoing, it is the considered opinion of this Honourable Court that the appeal be and the same is ordered denied and dismissed, and that the final ruling of the trial court appealed from be and the same is hereby affirmed and confirmed.

Accordingly, the Clerk of this Court is hereby ordered to send a mandate to the Monthly and Probate Court for Montserrado County ordering the judge therein presiding to resume jurisdiction over the case and enforce its judgment. Costs are ruled against the appellants/ respondents. And it is hereby so ordered.

Judgment affirmed.