

IN THE HONOURABLE SUPREME COURT OF THE REPUBLIC
OF LIBERIA, SITTING IN ITS OCTOBER TERM, A.D. 2023

BEFORE HER HONOR: SIE-A-NYENE G. YUOH.....CHIEF JUSTICE
BEFORE HER HONOR: JAMESETTA H. WOLOKOLIE.....ASSOCIATE JUSTICE
BEFORE HIS HONOR: JOSEPH N. NAGBE.....ASSOCIATE JUSTICE
BEFORE HIS HONOR: YUSSIF D. KABA.....ASSOCIATE JUSTICE
BEFORE HIS HONOR: YAMIE QUIQUI GBEISAY, SR.....ASSOCIATE JUSTICE

William G. J. Juah, Administrator of the Intestate Estate of)
Charlotte Crawford of the City of Monrovia, Liberia)
..... Appellant)

VERSUS)

APPEAL)

JOJO/J. W. Lawrence, Attorney-in-Fact for Felix K.)
Lawrence, of the City of Monrovia, Liberia..... Appellee)

GROWING OUT OF THE CASE:)

JOJO/J. W. Lawrence, Attorney-in-Fact for Felix K.)
Lawrence, of the City of Monrovia, Liberia.....Informants)

VERSUS)

BILL OF INFORMATION)

William G. J. Juah, Administrator of the Intestate Estate of)
Charlotte Crawford of the City of Monrovia, Liberia)
..... Respondent)

GROWING OUT OF THE CASE:)

William G. J. Juah, Administrator of the Intestate Estate of)
Charlotte Crawford of the City of Monrovia, Liberia)
..... Movant)

VERSUS)

MOTION TO DISMISS)

JOJO/J. W. Lawrence, of the City of Monrovia, Liberia)
..... Respondent)

GROWING OUT OF THE CASE:)

William G. J. Juah, Administrator of the Intestate Estate of)
Charlotte Crawford of the City of Monrovia, Liberia)
..... Petitioner)

VERSUS) PETITION FOR
) INTERFERENCE OF AN
JOJO/J. W. Lawrence of the City of Monrovia, Liberia) INTESTATE ESTATE
..... Respondent)

Heard: January 18, 2022

Decided: December 19, 2023

MADAM CHIEF JUSTICE YUOH DELIVERED THE OPINION OF THE COURT

This appeal emanates from a bill of information filed before the Monthly and Probate Court for Montserrado County, by Jojo/J.W. Lawrence, the Attorney-In-Fact of Felix K. Lawrence, the appellee herein.

The proceedings leading to the filing of the bill of information by the appellee shows that on January 6, 2017, the appellant herein, William G. J. Juah, obtained Letters of Administration from the Monthly & Probate Court for Montserrado County, to administer the Intestate Estate of his purported mother, Charlotte Crawford.

Subsequently on February 6, 2017, the appellant filed a Petition for Interference with the Intestate Estate of Charlotte Crawford against the appellee alleging *inter alia* therein, that he is one of two children of the late Charlotte Crawford and is the current administrator of the deceased Charlotte Crawford’s Intestate Estate; that he is the surviving next of kin of the decedent because she had two children out of her body, the appellant and his elder sister, Sonnie Bonder, who died in 2007; that in total disregard of the Decedents Estates Law which stipulates the order of preference in appointing administrator/administratrix of an Intestate Estate, beginning with the surviving spouse, then next the children, before grandchildren, the trial court granted the appellee authority to exercise control over the said Intestate Estate, without reference to him, the appellant. The appellant therefore prayed the trial court to revoke, if any, letters of administration granted in favor of the appellee, Felix K. Lawrence, and reconfirm the appellant as the rightful administrator in keeping with the line of succession of the Intestate Estate of Charlotte Crawford; and to further order that all acts done by the appellee be declared null and void as said acts were inconsistent with the Decedents Estates Law.

On February 23, 2017, upon the request of the appellant, the Clerk of the Monthly and Probate Court for Montserrado County, Edwin S. Boimah, Sr., issued a Clerk’s Certificate

indicating that as of the issuance of said certificate, the appellee had not filed returns to the appellant's petition. Predicated upon the issuance of the Clerk's Certificate, the appellant moved the Probate Court for a default judgment and same was granted. The appellant proceeded to perfect his default judgment in keeping with law by presenting evidence in substantiation of the allegations contained in his petition, following which, the trial court ruled granting the appellant's petition. We quote below relevant excerpt of said ruling, to wit:

“...wherefore, and in view of the foregoing, it is the ruling of this court that the petitioner's[appellant] petition is supported by law and that same is hereby granted. The respondent [appellee] named herein is hereby ordered to stay away from the subject property and that any further interference will constitute contempt of this court and the appropriate action will be meted against him. The letters of administration that may have been issued by this court in his possession is hereby set aside and declared null and void because his letter of administration was obtained thru misrepresentation of material fact to this court. And it is hereby so ordered”.

We further gleaned from the records that the trial court appointed Counsellor Joseph Gibson to receive the ruling on behalf of the appellee, after it was noted that the appellee and his counsel were absent from court. Counsellor Gibson noted exceptions to the final ruling of the trial court, and announced an appeal to the Supreme Court sitting in its March Term 2017 on behalf of the absent appellee. The records further reveal that on April 12, 2017, the appellant filed a motion to dismiss the appellee's appeal for the appellee's failure to file his bill of exceptions within statutory time. At the hearing of the motion to dismiss the appeal, the records again show that the appellee and his counsel were absent. Consequently, the appellant moved the court to dismiss the appeal in pursuant to Chapter 10, Section 10.7 of the Civil Procedure Law, and same was granted by the Probate Court. We also quote relevant excerpt of the ruling on the motion to dismiss the appeal as follows, to wit:

“...Court says that the submission made by the movant/petitioner being consistent with law, same is hereby granted. The appeal announced by the respondent in these proceedings and granted by the court but the respondent having failed to file its bill of exceptions within the statutory period as provided by our law is hereby ordered dismissed. And it is hereby so ordered”.

Subsequent to the granting of the appellant's motion to dismiss the appeal announced by the court appointed counsel on behalf of the appellee, the appellee filed a twelve (12) count bill of information before the same trial court on May 18, 2017, averring therein that he is the legitimate administrator of the Intestate Estate of Sonnie Bonner, his deceased mother; that his mother had inherited the properties that constituted her Intestate Estate from her mother, Charlotte Crawford, who had also died intestate, but was survived by two daughters, Rita Bonner and Sonnie Bonner; that both Rita and Sonnie Bonner had administered their mother's Intestate Estate until Rita's death, at which time Sonnie became the sole administratrix and heir of their mother's Intestate Estate; that the appellant had surreptitiously obtained letters of administration to administer the Intestate Estate of Charlotte Crawford, under the pretext that he is the biological son of the late Charlotte Crawford, without any notice to the appellee of said proceedings; that the appellant had afterwards filed a "Petition for Interference of an Intestate Estate", obtained a default judgment therefrom, and subsequently filed a motion to dismiss an appeal that was allegedly taken by a court appointed counsel on behalf of the appellee; that during all these proceedings, the appellee was never brought under the jurisdiction of the court, and that it was at the instance of appellant's attempt to evict the appellee's tenants that the appellee became aware that the appellant had fraudulently obtained letters of administration to administer the Intestate Estate of the appellee's grandmother, although said Intestate Estate had devolved to appellee's mother. Hence, he concluded that the final judgment emanating from the above mentioned proceedings could not and should not bind him, and that the letters of administration issued the appellant should be revoked.

The trial court entertained arguments on the bill of information, *pro et con*, and thereafter ruled granting the bill of information, and ordering the revocation of the appellant's letters of administration. The appellant noted exceptions to the said final ruling, announced the present appeal to the Supreme Court, and thereafter filed an eleven (11) count bill of exceptions for review by this Court.

Having perused the records and considered the appellant's bill of exceptions, we find a single issue dispositive of this appeal, *viz.*: whether a bill of information will lie to relieve a party from a final judgment.

The Supreme Court has opined that for a Bill of Information to be granted, the matter forming the basis of the information must have been pending before the Court or decided by it; that there must be an act tending to usurp the province of the Court; that there must exist some irregularities or obstruction in the execution of the Supreme Court's mandate; or

that there must have been a refusal to carry out the Supreme Court's mandate. *NEC et al. v. NPP*, Supreme Court Opinion, March Term, 2015; *Aggregate Corporation v. Taylor et al.*, 35 LLR 3, 8 (1988).

We note that although the above cited law does not specifically indicate its applicability to the circuit courts, the said law, is specific as to what obtains at the level of the Supreme Court with respect to bill of information. It is therefore reasonable to conclude the sections of said law which only state “court” applies to the circuit courts. In like manner, we also hold that where a matter is pending before a lower court or has been decided by said court, a bill of information is cognizable before said court.

However, the facts and circumstances presented in the present appeal presents a scenario wherein the final ruling in the petition for interference of an intestate estate had already been rendered, and the appeal announced therefrom had been subsequently dismissed upon motion of the appellant, the appellee having failed to perfect said appeal. Moreover, while the content of the bill of information was to inform the court *inter alia*, that the appellee was never brought under the jurisdiction of the court, the intent was to have the trial court rescind or set aside its final rulings in the ‘petition for interference of an intestate estate’ and the ‘motion to dismiss appeal’, and to revoke the appellant’s letters of administration. The appellee’s prayer as stated in the bill of information states thus:

- “a. To revoke and/or cancel the letters of administration issued the respondent [appellant]...
- b. To relieve informant [appellee] from the court’s ruling on the petition for interference and motion to dismiss appeal...”

Moreover, the content of the bill of information presented mixed issues of law and facts which did not grow out of the final ruling of the trial court or the manner in which said court’s mandate was being executed. For instance, the appellee alleged that the appellant fraudulently obtained letters of administration to administer the Intestate Estate of Charlotte Crawford because he represented himself to be the biological son of decedent Charlotte Crawford. However, the appellant’s petition for Interference with the Intestate Estate of Charlotte Crawford did not pertain to any issue of relationship between the appellant and the decedent, Charlotte Crawford. In fact, it is worth noting that the proceedings which culminated into the trial court granting letters of administration to the appellant is legally distinct and separate from the proceedings from which the bill of information emanated.

Similarly, the appellee alleged that he was not brought under the jurisdiction of the trial court because the writ of summons along with the Petition for Interference with an Intestate

Estate which complained the appellee as the person interfering with the Intestate Estate of Charlotte Crawford was not served upon him; he further informed the court that no citation was served upon him for the hearing of the petition.

Conversely, the records show that the Sheriff's Returns indicate service of the writ of summons upon the appellee, and that the citation for hearing of the petition was served upon the appellee, but he refused to accept same. Precedents in vogue in this jurisdiction hold that the Sheriff's Returns is *prima facie* evidence of the facts therein stated, but where doubt is raised, said returns may be impeached by "competent extrinsic evidence". *Kindii et al. v. Forester et al.*, Supreme Court Opinion, March Term, 2010; *Kesselly et al v Sabena Brussels Airlines*, Supreme Court Opinion, October Term, 2006; *MacCartey v. Gray et al.*, 23 LLR 142, 147 (1974).

Although the trial court set aside its final ruling on the basis of the bill of information instituted by the appellee, the court's rationale of granting the said bill of information was premised, *inter alia*, on the ground that the appellee's letters of administration was in existence before the appellant's; that because the appellee's letters of administration was not revoked prior to the issuance of letters of administration to the appellant for the same Intestate Estate, the appellee's letters of administration is superior to the appellant's; and that same constituted ground for the revocation of the appellant's letters of administration.

We note from the records that the letters of administration issued to the appellee was granted in 2012; we see no extended letters of administration granted him one (1) year thereafter as required by law. Moreover, the appellee asserted that his letters of administration was for the Intestate Estate of his mother, Sonnie Bonner, and not the Intestate Estate of Charlotte Crawford, his grandmother. Furthermore, the records do not indicate whether Sonnie Bonner had closed the Intestate Estate of her mother, Charlotte Crawford, and acquired title to the properties of said Intestate Estate in fee simple. If she had, then there could no longer be an Intestate Estate of Charlotte Crawford for any person to administer; but if she did not close the estate, the properties of said Estate remained under the administration of a lineal or collateral heir who had been duly appointed as administrator by the Monthly and Probate Court. Without clarity on these factual issues, we wonder how the trial court could have determined who was legally vested with the right to administer the Charlotte Crawford Intestate Estate that is, if said estate still remains opened.

This Court holds that while a bill of information may lie before a trial court following the rendition of final ruling if the issue(s) raised therein is to inform the court of certain facts

and circumstances pertinent to its final ruling or the enforcement thereof, a bill of information seeking to substitute, or usurp the functions of a motion for relief from judgment or a writ of error is untenable.

Accordingly, we are in agreement with the appellant that the appellee should have proceeded by a motion to rescind or by filing a petition for a writ of error, considering the appellee's prayer in his bill of information, and not by a bill of information. Hence, in the instant case, the final ruling in the petition for interference with the Intestate Estate of Charlotte Crawford having been rendered, a bill of information is not the proper legal remedy; therefore, the trial court erred when it revoked the appellant's letters of administration on the strength of the bill of information.

WHEREFORE AND IN VIEW OF THE FOREGOING, the final ruling of the Monthly and Probate Court for Montserrado County granting the bill of information is hereby reversed. The Clerk of this Court is hereby ordered to send a mandate to the trial court commanding the judge presiding therein to resume jurisdiction over this case and give effect to this Judgment. Costs are ruled against the appellee. IT IS HEREBY SO ORDERED.

Appeal granted.

When this case was called for hearing, Counsellor Cooper W. Kruah of Henries and Associates Law Firm appeared for the appellant. Counsellors Emmanuel B. James and Rosemarie B. James of the International Group of Legal Advocates and Associates, Inc. appeared for the appellee.