

IN THE HONORABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA
SITTING IN ITS MARCH TERM, A.D. 2026

BEFORE HIS HONOR: YAMIE QUIQUI GBEISAY, SRCHIEF JUSTICE
BEFORE HER HONOR: JAMESETTA H. WOLOKOLIE.....ASSOCIATE JUSTICE
BEFORE HIS HONOR: YUSSIF D. KABA.....ASSOCIATE JUSTICE
BEFORE HER HONOR: CEANEH D. CLINTON JOHNSON.....ASSOCIATE JUSTICE
BEFORE HIS HONOR: BOAKAI N. KANNEH.....ASSOCIATE JUSTICE

Thomas Jagbay, Emmanuel Kerkula, Too Decent Bar & Restaurant,)
Moses Kesselle, Robert L. Tennie, Maris Suah and others to be)
identified of the City of Monrovia, Liberia.....Appellants)

Versus

Kuku Y. Dorbor of the City of Monrovia, Liberia.....Appellee)

GROWING OUT OF THE CASE:

Kuku Y. Dorbor of the City of Monrovia, Liberia.....Plaintiff)

Versus

Thomas Jagbay, Emmanuel Kerkula, Too Decent Bar & Restaurant,)
Moses Kesselle, Robert L. Tennie, Maris Suah and others to be)
identified of the City of Monrovia, Liberia.....Defendants)

) APPEAL

) ACTION OF
) EJECTMENT

Heard: July 3, 2026

Decided: August 27, 2026

MR. CHIEF JUSTICE GBEISAY DELIVERED THE OPINION OF THE COURT

This appeal is before us from the final judgment of the Sixth Judicial Circuit, Civil Law Court for Montserrado County, in an action of ejectment initiated by the appellee, Kuku Y. Dorbor, against the appellants, Moses Kesselle and Robert Tennie et. al. Following a jury trial, a verdict was returned in favor of the appellee. The trial court thereafter confirmed the verdict, and ordered the appellants evicted from the disputed premises, and directed the issuance of a writ of possession. Being dissatisfied with the judgment, the appellants excepted to the ruling and announced an appeal to this Court of last resort.

The records certified to this Court reveal that on November 18, 2021, the appellee instituted an action of ejectment alleging ownership of two town lots of land situated in the 72nd Community, Paynesville City, Montserrado County. The appellee contended that she acquired the property by Warranty Deed from John S. Jones in 2001 and that said deed was duly probated and registered according to law; that the appellants, without any color of right or title, illegally entered upon her property and refused to leave despite several warnings from her, thereby illegally withholding her property from her.

The appellants having interposed no objection to the said motion, the matter was ruled to an investigative survey. Both parties nominated their respective representatives to the survey and the court through the Liberia Land Authority (LLA) appointed surveyor Tom W. Nimely as government surveyor to the investigative survey.

After pleadings were duly exchanged and rested, the matter proceeded through the disposition of law issues, thereafter, the matter was ruled to trial. The appellee then filed a motion for investigative survey on grounds that even though she maintains that the metes and bounds of her deed and those of the appellants deeds are different, therefore, the only means to properly differentiate the said deeds is through an investigative survey which will aid the court in reaching a fair decision.

The appellee then filed her reply reiterating the averments as asserted within her complaint and denying the appellants answer in its entirety, while further averring that the appellants deed are products of fraud on grounds that though appellant Robert Tennie's deed is older than that of co-appellant Moses Kesselle's deed, the latter is reflected on the said deed as an adjoining property owner, that the appellants failed to present the letters of administration of the purported administrators of the Intestate Estate of Wilmont F. Dennis that the said administrators relied upon to convey the subject property to the appellants; that the only letters of administration proffered by the appellants was issued in May of 2005 while they alleged to have bought the subject property in 2001. The appellee then reiterated her prayer as contained in her complaint.

In response to the complaint, the appellants filed their answer denying the appellee's claim as asserted in her complaint and alleged that they both own one lot of the subject property acquired by honorable purchase from the Intestate Estate of Wilmont F. Dennis through its administrators, Wilmont M. Dennis and Henry W. Dennis; that the subject property was originally part of their grantor's Two Hundred (200) acres of land and that the said ownership has been confirmed by the Supreme Court of Liberia in three (3) of its Opinions, that is in 1988, 1989 and 2013, respectively; that the appellee's grantor, John S. Jones, did not acquire his purported two (2) lots from the Intestate Estate of Wilmont F. Dennis, and as such, his subsequent conveyance of same to the appellee is without legitimacy; that the appellee failed to plead her grantor's title deed thereby rendering her chain of title broken to recover against them. The appellants then prayed the court to dismiss the appellee's complaint.

The survey was conducted by Surveyor Tom W. Nimely in the presence of representatives designated by the parties. After the survey, a report was prepared and submitted to the court. The survey report concluded that, the appellee's deed corresponded with the property she claimed; that the properties claimed by appellants Moses Kesselle and Robert Tennie did not correspond with the ground locations described in their respective deeds and that the areas identified in those instruments were located elsewhere and that the properties claimed by Emmanuel Kerkula and Marie Suah, co-defendants, were separate and distinct from the property claimed by the appellee. Thereafter, co-defendants Emmanuel Kerkula and Marie Suah upon a motion duly made which was not resisted by the appellee, were dropped from the proceedings.

The said report of the survey was read in open court on February 17, 2023, and both parties interposed no objection to the survey report, and the judge therefore ordered the report to form an integral part of the evidence of the proceedings in the matter. The matter was then ruled to trial.

During trial the appellee produced three witnesses while the appellants produced four witnesses. After the production of oral and documentary evidence on the part of both parties, the jury returned to their deliberation room and later returned a verdict of liable against the appellants.

The appellants, thereafter, excepted and filed a motion for new trial, arguing that the jury's verdict was against the weight of the evidence adduced at trial, therefore, the verdict should be set aside by the court and a new trial awarded. The appellee filed her resistance to the said motion and arguments were heard pro et con; thereafter, the judge ruled denying the said motion on grounds that the verdict was not against the evidence adduced during the trial. The appellant excepted to the said ruling and announced an appeal to this Honorable Supreme Court.

The appellant complied with all the procedural steps required for taking an appeal thereby placing their case properly under the jurisdiction of this Court. The appellants filed a twenty-six-count bill of exceptions where they primarily argued against the appellee's grantor title, arguing that the appellee's grantor did not have any color of title or did not own the land and therefore could not have legally conveyed the said land to the appellee and therefore, the entire transaction surrounding the appellee's acquisition of the land was fraudulent and without any legal basis.

After considering all the arguments and claims presented by the parties, the evidence adduced at trial and the records certified to this Court, we now move to analyze them to arrive at a judicially sound and legal decision in this controversy.

The appellants had argued in their bill of exceptions that the trial court wrongly affirmed the jury's verdict despite fatal defects in the appellee's chain of title; they contend that appellee failed to prove ownership of the said property, because her alleged grantor, Estella L. Dennis, never showed any deed from her father, Wilmont F. Dennis, and therefore she had no legal capacity to convey the disputed land to John S. Jones, appellee's grantor. The appellants maintain that the land remained part of the Estate of Wilmont F. Dennis, which had duly appointed administrators in 2001, and only those administrators had authority to sell property from the estate; they further argue that the judge misapplied the law, improperly relied on a 1988 Supreme Court judgment and a letter from Cllr. M. Kron Yangbe as substitutes for title deeds, contradicted his own findings regarding estate-sale requirements, and misquoted the Investigative Survey Report, which actually showed both parties claimed the same area.

The crux of the appellants argument is that the appellee did not prove strength in her title deed to warrant a verdict in her favor. We will now review the evidence and the records in this case to establish or dismiss this claim.

Our laws are replete that in an action of ejectment, the plaintiff must recover on the strength of his or her own title and not on the weakness of the defendant's title. This principle therefore shifts to the plaintiff the burden to establish a legal right to possession by proving a better title than that of the adverse claimant. This court has therefore established that an action of ejectment is a contest of titles, wherein the stronger and superior title prevails over the weaker title in consonance with our law on evidence. *Mensah v. Smith*, 30 LLR (1982); *Bernard et al. v. Stubblefiel-Bernard* LRSC 34 (2026); *Dasusea v. Coleman*, 36, LLR, 102 (1989); *Simpson v. A.I.D. Enterprise*, LRSC, 7 (2015).

The appellee testified for herself along with two other witnesses. During her testimony, the appellee testified that she is the legitimate owner of the said parcel of land and that she purchased same from one John S. Jones in 2001; that her grantor had earlier acquired title from Estella L. Dennis, one of the heirs of the late Wilmont F. Dennis and that same can be proven through her deed, her grantor's deed and the 1988 Supreme Court of Liberia's Opinion in the case *Samuel Ford Dennis et al. v. Augusta Barbour Tarpeh, Johnny Barbour, et al.*, in which the Supreme Court confirmed the Dennis heirs' ownership of the parent tract; that upon her purchase of the said property, she probated and registered her deed in accordance with

law, took possession, erected cornerstones and remained in possession of her property until she returned from out of the Country in 2004 and realized that the appellants had encroached on her property and commenced construction thereon; the appellee emphasized that the Supreme Court of Liberia Opinion she referenced, recognized the authority of her grantor and that the Investigative survey conducted by the court concerning this matter which was never objected to by any party further corroborated her claim and confirmed her legitimacy.

The appellee's second witness basically corroborated her testimony and further testified that he accompanied the appellee's father to inspect the property shortly after purchase in 2001 and that property was vacant and undisputed at the time.

The appellants case is premised on the claim that they acquired the disputed property from the Estate of Wilmont F. Dennis through its administrators and that they had the said documents to prove same and that the appellee's deed is fraudulent as she did not buy from any of the administrators.

Our attention is drawn to the testimony provided by the appellants' fourth witness, one Henry W. Dennis. On the direct, the witness provided the following testimony:

Q: Mr. Witness, your last name is Dennis, what is your relationship to the late Wilmont F. Dennis?

A: Wilmont F. Dennis is my late great grandfather.

Q: Mr. Witness, what is your current position in the Estate of Wilmont F. Dennis, if you know?

A: I am the current administrator.

Q: Mr. Witness, you have been invited to this court in your capacity as current administrator for the Wilmont F. Dennis Estate to testify in favor of the defendants. What is the relationship between the Defendants and the Estate?

A: They are my clients or grantees.

Q: Mr. Witness, the defendants are your grantees, so tell this court and the jury what is the purpose for which you have come to testify in their favor.

A: I came to testify to protect my grantees because if you sell a property to someone, you have to protect them from someone else who is trying to take their property from them.

Q: Mr. Witness, you been a current administrator of the estate, tell us the quantity of land that was sold to each of the defendants and by what authority was the land sold?

A: One lot each was sold to the defendants and the estate has a court decree of sale and letters of administration.

Q: Mr. Witness, the plaintiff in these proceedings appeared before this court and said she acquired her property from Estella L. Dennis, you being a Dennis, please tell this court and jurors who was Estella S. Dennis and what is her relationship to Wilmont F. Dennis and her position in the estate?

A: Estella L. Dennis was my great grand-aunt and the late daughter of Wilmont F. Dennis and she was an administrator.

Q: Mr. Witness, in this case, the plaintiff had produced a warranty deed from one John Jones, meaning Estella sold two lots of land to John F. Jones. What do you have to say about that?

A: The estate did not honor the warranty deed because the Estate did not grant Estella any property of her own.

On the cross, the witness provided the following testimony:

Q: Mr. Witness, you told this court and the jury that you are the current administrator. My question to you is that, when did you obtain Letters of Administration by the Probate Court?

A: Last year (2024).

Q: Mr. Witness, you told this court that you are the great grandchild of Mr. Wilmont F. Dennis. My question to you is, do you know how many children Mr. Wilmont F. Dennis had and if yes, name them.

A: He had four children, Henry Reeves W. Dennis, Estella Dennis, Stamford Dennis and Gabriel Lafasu Dennis.

Q: Mr. Witness, you told this court that Estella Dennis was an administrator of the Intestate Estate of Wilmont F. Dennis, my question to you as a current administrator, do you have any copy of the Letters of Administration given by the Probate Court to Estella Dennis for the Intestate Estate of Wilmont F. Dennis?

A: No.

Q: Mr. Witness, you told this court that the conveyance done by Estella Dennis to John Jones in 1987 was illegal. My question to you is, in 1987, how old were you?

A: I was not born yet.

Q: Mr. Witness, are you aware as an administrator of the Intestate Estate of the late Wilmont

Dennis or were you informed by your uncle that in 1988, the heirs of Wilmont F. Dennis, whom you just named even though the names are incorrect filed an action of ejectment in 1987 against the Abraham Barbar's?

A: Yes.

Q: Are you aware that there was a judgment from the Supreme Court in the referenced case and if yes, do you know the outcome?

A: Yes, I am aware that there was a judgment from the Supreme Court in that case and the outcome was the Supreme Court ruled in the favor of the Dennis'.

As stated previously, the appellants primary argument is that the appellee's deed is legally defective because her (appellee's) grantor, (Estella Dennis), could not have legally passed title in her own name because the property she conveyed was part of her late father's estate and that for her to have legally conveyed title to John S. Jones, (appellee's grantor), she needed to have obtained a court's decree of sale and executed an administrator's deed instead of a warranty deed.

It is trite law in this jurisdiction that the sale of real property of an intestate estate without letters of administration and court's decree of sale is void. *Mendohdou et. al. v. Geahdoe et al.*, 39 LLR 742 (1999). We affirm this holding and agree with the appellants' argument that any sale of real property of an intestate estate must be authorized by the Probate Court of the jurisdiction where the said property is located, and that the said sale should be executed by an administrator of the said intestate estate.

However, the appellee's primary argument is that she acquired the property from John S. Jones, who acquired the said property from Estella L. Dennis and that her title is derived from a valid conveyance which is evident from the Supreme Court's Judgment which conclusively recognized the authority of her grantor. She also argued that the investigative survey corroborated her claim.

The records show that the Supreme Court of Liberia rendered a judgment in 1989 and ruled in favor of Samuel Ford Dennis et. al. to include appellee's grantor, Estella L. Dennis who filed the action as plaintiffs, not as administrators of the said estate, and the defendant in the said action then did not challenge their authority as plaintiffs nor did the court. The Supreme Court judgment of 1989 confirming the ownership of the appellee's grantor along with her (appellee's grantor) siblings is conclusive that they owned the land not as administrators but as owners.

There is also a letter in the record from Cllr. M. Kron Yangbe, counsel for the appellee's grantor and the grantor's siblings, confirms that he, acting as their attorney through the conclusion of the litigation against the Barbors, formally requested a demarcation survey of the 200 acres awarded to the heirs of Wilmont F. Dennis. In that same letter, he expressly stated that all persons who purchased from the rightful owners, the Dennis heirs would not be required to re-purchase their land.

The authenticity of this letter was never challenged. What the appellants are trying to do here is to challenge the authority of the heirs of the Dennis Estate, an estate for which they claim to have purchased from the administrators. As previously stated, this case presents an exceptional circumstance: the appellee has produced evidence that the heirs of the decedent previously litigated ownership of the same property, in their personal capacities, and that this Court rendered judgment awarding the property to them. It is evident that a final judgment of this Court is conclusive, and binding on the parties involved and their privies and said judgment cannot be subject to collateral attack. A final judgment of the Supreme Court settles all questions directly in issue and cannot be reopened by the parties or their successors in interest." *Gabbidon v. Republic*, 41 LLR 377 (2003).

Thus, the appellants argument that Estella L. Dennis could not have issued a warranty deed falls under the lens of judicial scrutiny as once the heirs obtained a final judgment declaring them owners, the legal effect is that title vested in them, and therefore, they could issue warranty deeds for the property as the judgment of the Supreme Court made them owners in fee simple and therefore could convey their share of the portion of the property subject only to attack by the heirs who were granted legitimacy by the said judgment of the Supreme Court.

Going further, we take judicial notice of the Investigative Survey that was conducted and not objected to by any of the parties. The report concluded that the metes and bounds on the appellants deeds do not reflect their respective claims due to the misplacement of the actual position of the North by the surveyor and that the appellants metes and bounds when plotted reflect an area at the back of their respective claims which is being owned by an individual known as Quimie and a cornerstone marked with initial R.M.M. The report then concluded that the appellants' metes and bounds do not reflect the area under dispute, while maintaining that the metes and bounds on the appellee's deed properly corresponded with the ground location.

The report clearly shows that the investigative survey conducted in this matter established that the appellee's deed accurately corresponded to the property she claimed. Significantly,

the survey further established that the properties described in the deeds of appellants Moses Kesselle and Robert Tennie were not situated on the parcel occupied by the appellee. Rather, the survey disclosed that the locations reflected in the appellants' deeds lay elsewhere and did not coincide with the property claimed by the appellee. The surveyor therefore concluded that the appellants were occupying land different from that described in their title instruments.

These findings were devastating to the appellants' defense. Even assuming, *arguendo*, that their deeds were otherwise valid, such deeds could not confer ownership of property not embraced within their descriptions. It is elementary that a deed passes only the property described therein. A claimant cannot rely upon a deed covering one parcel while occupying another parcel not included within the deed's metes and bounds. Once the investigative survey established that the appellants' deeds did not correspond to the land in dispute, without any objection from the appellants, the foundation of their claim became shaky and could not survive under further scrutiny as the essence of an investigative survey is to help the court to settle certain technical aspects of a case which will aid the court in determining an issue and can be used as an evidentiary tool in helping the court to determine a particular technical nature or controversy of a matter before it. *Gardiner v James, Supreme Court Opinion, March Term, 2015.*

WHEREFORE AND IN VIEW OF THE FOREGOING, the final ruling of the court below is affirmed. The Clerk of this Court is ordered to send a Mandate to the court below, commanding the judge presiding therein to resume jurisdiction and give effect to this judgment. Costs are ruled against the appellant. IT IS HEREBY SO ORDERED.

WHEN THIS CASE WAS CALLED FOR HEARING COUNSELLOR WELLINGTON G. BEDELL, SR., OF THE FORTIS PARTNERS LAW OFFICES, LLC., APPEARED FOR THE APPELLANTS. COUNSELLOR ANTHONY D. MASON OF EXCELLENCE SUCCESS THINKERS' LLC., APPEARED FOR THE APPELLEE.

Affirmed.