

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

BEFORE HIS HONOR: YAMIE QUIQUI GBEISAY, SR.....CHIEF JUSTICE
BEFORE HER HONOR: JAMESETTA H. WOLOKOLIE.....ASSOCIATE JUSTICE
BEFORE HIS HONOR: YUSSIF D. KABA.....ASSOCIATE JUSTICE
BEFORE HER HONOR: CEATNEH D. CLINTON JOHNSON.....ASSOCIATE JUSTICE
BEFORE HIS HONOR: BOAKAI N. KENNEH.....ASSOCIATE JUSTICE

Lawrence Nimely, Bartu Nimely, Sarah Appleton, Dickson Nimley, and)
all those occupants under their authority, all of the City of Monrovia,)
Liberia.....Appellants)

AND)

The Intestate Estate of Kofa Sayon Thompson by and thru its)
Administrator, Blamoh E. Thompson of Monrovia, Liberia)
.....2nd Appellants)

Versus) APPEAL

Cecelia Torr by and thru her Attorney-In-Fact, Stephen D. Lewis,)
Samuel G. Wesseh, Agnes Collins, Tanneh Chea-Alfred of the City of)
Monrovia, Liberia.....Appellee)

GROWING OUT OF THE CASE:)

Cecelia Torr by and thru her Attorney-In-Fact, Stephen D. Lewis,)
Samuel G. Wesseh, Agnes Collins, Tanneh Chea-Alfred of the City of)
Monrovia, Liberia.....Plaintiff)

Versus) ACTION OF
EJECTMENT

Lawrence Nimley, Bartu Nimley, Sarah Appleton, Dickson Nimley, and)
all those occupant under their authority, all of the City of Monrovia,)
Liberia.....1st Defendant)

AND)

The Intestate Estate of the Koffa Sayon Thompson by and thru its)
Administrator, Blamoh E. Thompson of Monrovia, Liberia)
.....2nd Defendant)

HEARD: July 1, 2026

DECIDED: August 28, 2026

MR. CHIEF JUSTICE GBEISAY DELIVERED THE OPINION OF THE COURT

This case is before us on appeal from a final ruling rendered by the Sixth Judicial Circuit Civil Law Court for Montserrado County, Republic of Liberia. Cecelia Tor, appellee herein by and thru her Attorney-In-Fact, Stephen D. Lewis, instituted an action of ejectment against

Lawrence Nimley, Bartu Nimley, Sarah Appleton, Dickson Nimley, and The Intestate Estate of the late Koffa Sayon Thompson by and thru its Administrator, Blamoh E. Thompson, appellants herein to recover possession of a parcel of half lot of land situated in the Borough of New Kru Town, Bushrod Island, Montserrado County.

The jury returned a unanimous verdict of liable against the appellants in favor of the appellee. The trial court affirmed the verdict after denying a motion for new trial filed by the appellants and ordered that the appellee be placed in possession of the land subject of the dispute according to the metes and bounds of the appellee's warranty deed. The appellants in this appeal have asked us to reverse the final judgment of the trial court.

The records reveal that this complaint firstly originated as an action of summary proceedings to recover possession of real property filed by the appellee against the appellants. When the matter was assigned, the Intestate Estate of Koffa Sayon Thompson, through its administrator, Blamoh C. Thompson, moved to intervene and claimed ownership of the premises; thereafter, the estate then moved to dismiss the complaint on grounds that it possessed title to the said property and therefore the magisterial court lacked jurisdiction over the matter. The magisterial court thereafter dismissed the summary proceeding complaint.

The appellee thereafter, instituted an action of ejectment on September 3, 2014, in the Sixth Judicial Circuit Civil Law Court for Montserrado County. The appellee in her six-count complaint alleged lawful ownership of the property subject of this dispute and alleged that the appellants were wrongfully occupying the said property under authority asserted by the estate.

The appellants filed their answer on September 19, 2014, denying material allegations and claiming that the property in question lawfully belongs to them. The appellee filed her reply and maintaining her claim while denying that the estate's deed covered the land occupied by 1st defendants/appellants.

After pleadings had rested, the appellee moved for an investigative survey to be conducted. The appellants interposed no objection to the said motion, and the matter was ruled to an investigative survey by the court. At the request of the trial court, the Assistant Minister for Land Survey at the Ministry of Land, Mines and Energy designated Cyril S. Banya, a registered and licensed surveyor to lead the investigation, and the parties nominated their technical representatives to observe. The survey examined the parties' instruments, considered other deeds relevant to the area, inspected the ground and submitted its report to

the court on May 31, 2016, concluding that the deed and ground location correspond to the information contained on the appellee's deed and it is where the land in dispute actually lies while the deed and ground information of Sayon Kofa Thompson, appellant herein, deed did not match the ground location.

The appellants thereafter, filed an eight-count objection to the survey report on August 2, 2016, on grounds that the report had been procured through "corruption, fraud and other undue means", that it departed from professional survey practice, and that the surveyor had entered matters reserved to the jury. The appellee filed its resistance to the said objection; the matter was heard by the court on August 11, 2017, and ruled that the appellants had complained of no specific act by a member of the investigative survey and had produced no evidence establishing fraud, corruption, or manipulation to warrant the setting aside of the survey report. The court therefore denied the objection and sustained the report, not as binding arbitration award, but as technical document to be considered with the other evidence at trial.

Thereafter, a jury was empaneled and a trial on the merits commenced on September 20, 2017.

Both sides presented witnesses and documentary evidence. At the close of the evidence and following the court's charge, the jury returned a unanimous verdict of liable against the appellants. The appellants thereafter excepted and filed a motion for new trial, arguing primarily that the verdict was contrary to the weight of the evidence adduced during the trial; that the survey report was defective, and that the court should have allowed the jury to view the premises.

The trial court entertained arguments on the motion and ruled denying the said motion on grounds that the jury had evaluated the evidence entrusted to it, and that the verdict was consistent with the evidence adduced during the trial. The trial court then affirmed the jury's verdict and ordered the appellee be put in possession of the said land. The appellants excepted to this ruling and announced an appeal to this Honorable Court.

The issue dispositive of this appeal is: whether the trial court erred by confirming the verdict of the jury?

The instruments examined during the investigative survey included a 1973 warranty deed from Henry K. Logan to Sayon Koffa Thompson for the property described in block #2 and

containing 0.5 acres or two lots; a 1977 warranty deed from Arthur D. Williams to Charles D. Wleh for one lot forming part of Block #2; and the Appellee's 1976 warranty deed from Hawa Somboe Gbasae for a half (1/2) lot described as Block #7 and probated and registered in 1980. The head of the investigative survey examined deeds from Hawa Somboe Gbasae to Mae Slewon Togba, Edmond Torh, and Mary Waterson, each of which referred to Block #7. It is evident from the records that both parties' technical representatives participated in the investigation.

After comparing the deeds with physical location, the lead surveyor reported that the deed and ground information associated with Sayon Koffa Thompson did not correspond and were "far apart", while the deed information of Cecelia Tor corresponded to the place where the disputed land actually lay. The report further observed that the appellee had acquired another adjacent half lot that had not been deeded before the death of Hawa Somboe Gbasae, and the Appellee had constructed two (2) houses on that area. It also stated that based on the statistics and the surrounding instruments, Block #7 appeared in the relevant area rather than Block #2. In explaining the use of Block #2, the report included a statement that Charles D. Wleh had "rebought the land from Sayon Kofa Thompson under false pretense.

The appellants objected that at the trial, Banya testified, explained his investigation, and confirmed that the appellee's deed corresponded with the ground location, while the Estate deed did not.

The report however, was not the only evidence the appellee offered to support her claim. She also testified that she purchased the deeded half (1/2) lot from Hawa Somboe Gbasae in 1976, built houses and shops on the land, and later left the property in the care of her mother and her nephew, Philip Toe, when she travelled to the United States. According to her, Philip Toe rented the shop to Lawrence Nimely during the civil crisis, and another nephew later rented the larger house to other occupants. When the Appellee returned to Liberia in 2008 and requested payment receipts and future rent, the occupants refused to recognize her authority and instead relied on the Estate's claim.

The Appellee also presented witnesses who corroborated material aspects of her possession, improvements, and ownership. The records identified Samuel Wesseh as describing the houses and supporting the Appellee's account, and rebuttal witnesses, including Thomas Wleh and Sophia Slemon, as supporting her claim. The Appellants presented the Estate Administrators, Blamoh C. Thompson, Lawrence Nimely, and other evidence. Nimely testified that he entered the premises in 2000 at the instance of the late Sayon Koffa Thompson and

had built shops there. The jury therefore heard competing accounts of entry, possession, ownership, and improvements, as well as technical evidence locating the parties' deeds.

It is the law in this jurisdiction that the jury is the trier of the facts. A verdict returned by a properly empaneled jury carries substantial weight because jurors hear the witnesses, observe their demeanor, evaluate credibility, and resolve conflicts in testimony. When the trial judge, who also observed the proceedings, confirms that verdict, the appellate court must not disturb it unless the evidence says otherwise.

Additionally, it's worth noting that an investigative survey has a defined but important role in a land dispute. When the deeds and their ground location conflict, surveying evidence gives the court and the trier of facts technical assistance, concerning courses, distances, blocks, monuments, boundaries, and the correspondence between documentary calls and physical premises. The surveyor does not adjudicate title, bind the parties as arbitrator, or replace the jury. The report and testimony are evidence to be weighed against the parties' deeds and any other proof. *Freeman v. Webster*, 14 LLR 493 (1961) and *Sumie, et. Al. v. Calvar Baptist Church*, LRSC 21 (2007), recognized the evidentiary and assisting function of an investigative survey.

A party who alleges that the survey was procured by fraud, corruption, or undue means must support that allegation with evidence. Accusatory language is not proof. The trial court may determine whether the asserted misconduct has been substantiated or whether the technical evidence must be admitted, limited, or excluded. Once properly admitted, the weight and credibility of the survey ordinarily remain for the jury, subject to the court's instructions and the parties' rights of examination and rebuttal.

The record does not support the appellants' premise that the survey was the exclusive foundation of the jury's verdict. The jury heard account of the appellee's purchase of the land, possession, and improvements, and the occupants' entry and heard the corroborating witnesses. It also heard the appellants' competing testimony. The survey supplied a technical comparison between the deed descriptions and the ground. These forms of proof address different, but unrelated matters, which include the instruments documented claimed transfers, the lay witnesses described possessions and improvements, and the surveyor addressed location. The jury was entitled to consider the combined force of that evidence rather than isolate one item from the remainder.

The attack based on alleged fraud in the survey fails based upon the evidence presented. The trial court scrutinized the fraud as alleged by the appellants but found that they have not identified and proved a specific corrupt or manipulative act by a member of the team. The parties have nominated representatives, the team examined multiple deeds, and the land surveyor later testified in open court. The appellant could cross-examine him about the instruments, the groundwork, and the report's language. On the records described to us, the trial court correctly applied the principle that the party making an allegation must produce evidence to prove it. A mere charge of corruption cannot displace otherwise admissible evidence without proof.

The appellants also had the chance of contesting the survey report. Their representatives participated in the investigation. At trial, they tested the surveyor's methodology on cross-examination, identify what they termed as perceived contradictions in the instruments, call persons familiar with the area, and offer another qualified surveyor or technical material. They presented their claims and deed but the jury found the appellee's proof more persuasive, and we observed that the evidence support the jury's findings.

We hold that the trial court did not err in confirming the jury's unanimous verdict. The investigative survey was properly used as technical evidence, the appellants did not prove the alleged fraud or corruption, the judgment was confined to the deeded half lot, and the verdict was supported by the evidentiary record as a whole.

We note that during the trial, the appellants requested that the jury visit the disputed premises. The appellee did not interpose an objection but the trial judge nevertheless denied the request, reasoning that jurors, as persons of ordinary prudence without surveying expertise, could not determine technical metes and bounds merely by viewing the land. We hold that the trial judge was right in denying the said request because at the time of the request, the court had admitted the investigative survey report and diagram, and the lead surveyor testified about the location and configuration of the property. The parties had participated through technical representatives, the appellants had the opportunity to cross-examine the surveyor, and they could present their deed, witnesses, and other evidence challenging his conclusions. Whether to permit a jury to view the subject of litigation rests within the sound discretion of the trial judge. A view is a demonstrative aid intended to help jurors understand admitted evidence; it is not an independent investigation and is not a substitute for expert testimony. The trial judge is responsible for managing the proceedings and is best situated to assess whether a proposed view will illuminate the issues or instead create confusion, delay, inconvenience, or prejudice. We therefore review the decision for abuse of discretion. The

absence of an objection is relevant, but it does not compel the court to authorize a procedure the judge reasonably concludes will not assist the jury.

The trial judge identified a rational consideration directly related to the issue for which the visit was requested. The disputed question was not simply which buildings could be seen or who physically occupied them. The parties disputed whether the calls in separate deeds, especially the one referring to Block #7 and the other to Block #2, corresponded to the occupied land. A visual inspection, without instruments or technical explanation, could not tell jurors where a deeded course began, how a distance should be plotted, which documentary block covered the area, or whether surrounding deeds corroborated one location. The court could reasonably conclude that unassisted observation would not answer the technical question.

The jury already had a structured means of understanding the ground evidence. It received the survey report and diagram and heard the licensed surveyor explain his work. The appellants were entitled to confront that evidence through cross-examination and to call their own witnesses or surveyor. Their technical representative had participated in the survey and could identify a methodological departure if one existed. These safeguards were more probative of deed location than a general visual impression from a site visit.

The appellants have also failed to demonstrate prejudice. They were not prevented from offering their deed, presenting testimony about the premises, challenging the surveyor, or arguing that the appellee's proof was insufficient. The denial affected only one requested demonstrative procedure. Nothing in the record indicates that a particular visible feature would have contradicted the survey or changed the location analysis, and the Appellants do not identify evidence that could be understood only by standing on the land. An appellate court does not reverse a discretionary ruling on the abstract possibility that another procedure might have been useful.

We hold that the trial court did not abuse its discretion by denying the requested jury view. The court reasonably concluded that a visual inspection would not enable lay jurors to determine technical metes and bounds, and the Appellants retained full opportunities to challenge the survey evidence and present their defense.

The Appellee produced a warranty deed from Hawa Somboe Gbasae conveying to her a half (1/2) lot in Block #7. The deed was dated in 1976 and was probated and registered in 1980. She testified to the purchase, to her possession, and to the construction of houses and shops.

Her witnesses corroborated material aspects of the improvements and her association with the property. She also explained that members of her family managed the premises during her absence and that the occupants originally entered as tenants through her relatives before later recognizing the Estate's claim.

The Estate produced a warranty deed from Henry Logan to Sayon Koffa Thompson, dated in 1973, probated and registered in 1980, and describing property in Block #2. The Appellants claimed that Thompson or the Estate placed the occupants on the premises. Thus, the parties did not present successive deeds from a single common grantor for precisely the same described parcel; they presented instruments from different grantors, bearing different block designations, that they asserted covered the same occupied ground.

The investigative survey addressed that location conflict. After examining the parties' deeds, other instruments in the area, and the physical premises, the surveyor concluded that the Appellee's Block #7 deed corresponded to the land in dispute and that the Thompson Block #2 deed did not. The trial court admitted that conclusion as technical evidence, and the jury evaluated it with the deeds and the possession testimony. The final judgment granted the Appellee possession only of the half lot described by the metes and bounds of her warranty deed.

The appellants invoke the settled rule that a plaintiff in ejectment must recover on the strength of her own title and not on the weakness of the defendant's title. They argue that the appellee did not satisfy that rule because she failed to trace Hawa Somboe Gbasae's title back to the Republic of Liberia.

The appellee produced a duly probated and registered warranty deed, proof of possession and improvements, corroborating witnesses, and technical evidence connecting her deed to the occupied land, thereby proving her ownership on the strength of her own title.

A plaintiff in ejectment must prevail on the strength of her own title and cannot obtain possession solely because the defendant's title is weak. *Caine et al. v. Fahnbulleh et al.* 31 LLR 235 (1983).

The rule places the burden on the plaintiff to identify the property claimed and establish a legal right to possess it. The Supreme Court likewise has said that a plaintiff must recover unaided by the defect in the defendant's title and that the proof of the plaintiff's title must be beyond question. Emphatically speaking, we opine that in ejectment actions, parties

necessarily rely upon title and the superior title is that lawfully derived from the Republic, preference given to the older valid deed. *Lay et al. v. Sandolo Belleh et al.*, 32 LLR 264 (1984).

This means that the rule must be applied to the evidence and the nature of the controversy. A duly executed, probated, and registered warranty deed is legal evidence of a transfer and gives notice that an interest in real property has been conveyed. A probate and registration serve to notify persons of the transfer and to put at rest a claim that the transferor continues to own the conveyed interest. A deed does not prove its relevance to a disputed site merely by existing; the claimant must connect its description to the land sought. That connection may be established through competent surveying evidence, possession, monuments, surrounding instruments, and witness testimony.

The appellee's proof satisfied that affirmative burden. She placed a warranty deed in evidence in which she was the named grantee. The instrument identified a half lot in Block #7 and had been probated and registered. She then supplied evidence connecting herself and the deed to the premises: testimony about the 1976 purchase, long possession, family management during her absence, construction of houses and shops, and the circumstances under which the occupants entered.

The final judgment's limitation is also significant. It does not grant the appellee every area she occupied or the additional half lot observed in the report. It directs possession according to the metes and bounds of her warranty deed. The relief thus corresponds to the title she affirmatively proved. That alignment between instrument, technical location, and remedy answers the concern that the verdict rested on an indefinite or expanded claim.

We hold that the appellee proved her right to possession on the strength of her own title. Her duly probated and registered warranty deed, evidence of purchase, possession and improvements, corroborating testimony, and the investigative survey's affirmative location finding provided competent evidence that her deed covered the disputed half lot.

Therefore, the appellants' assignments of error do not warrant reversal. The jury's verdict was supported by the appellee's deed, testimony, corroborating witnesses, and properly admitted technical survey evidence. The trial court acted within its discretion when it declined a site visit that would not have enabled lay jurors to determine technical metes and bounds. Finally, the appellee established her claim through the preponderance of the evidence and not on the weakness of the appellants' title.

WHEREFORE AND IN VIEW OF THE FOREGOING, the final ruling of the lower court 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. IT IS HEREBY SO ORDERED.

WHEN THIS CASE WAS CALLED FOR HEARING NO COUNSELLOR APPEARED FOR THE APPELLANT. COUNSELLOR AMARA M. SHERIFF OF THE LIBERIAN LAW GROUP APPEARED FOR THE APPELLEE.

Affirmed.