

ASSOCIATE JUSTICE SUPREME COURT OF LIBERIA



# IN THE HONORABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA MARCH TERM, A.D. 2015

BEFORE HIS HONOR: FRANCIS S. KORKPOR, SR.....CHIEF JUSTICE BEFORE HIS HONOR: KABINEH M. JA'NEH.....ASSOCIATE JUSTICE BEFORE HER HONOR: JAMESETTA H. WOLOKOLIE.....ASSOCIATE JUSTICE BEFORE HIS HONOR: PHILIP A.Z. BANKS, III.....ASSOCIATE JUSTICE BEFORE HER HONOR: SIE-A-NYENE G. YUOH.....ASSOCIATE JUSTICE

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### Versus

### **GROWING OUT OF THE CASE:**

Hannah Saba Gardiner, of the USA, by and thru Her Attorney-In-Fact, Attorney-at-Law, Charles H. Gibson, of Monrovia, Liberia......OBJECTOR

#### Versus

 APPEAL

) OBJECTIONS TO THE ) REPORT OF THE ) BOARD OF ARBITRATION





ASSOCIATE JUSTICE SUPREME COURT OF LIBERIA

## **GROWING OUT OF THE CASE:**

Hannah Saba Gardiner, of the USA, by and thru Her Attorney-In-Fact, Attorney-at-Law, Charles H. Gibson, of Monrovia, Liberia......PLAINTIFF

## Versus

Esther Pyne James, of the USA, by and thru Her Attorney-In-Fact, Counselor-at-Law, Emmanuel S. Kroma, of Monrovia, Liberia.......DEFENDANT ACTION OF EJECTMENT

## JUDGMENT

When this case was called for hearing, Counsellor Charles H. Gibson appeared for the appellant. Counsellors Rosemarie B. James and Emmanuel B. James of the International Group of Legal Advocates and Consultants appeared for the appellee.

Having reviewed the certified records in this case, listened to the arguments advanced by the parties, and taken note of the records and laws applicable for a judicial settlement of the matter, it is hereby

#### ADJUDGED:

That the report on which the trial judge based his ruling putting the appellee in possession of the disputed property was not the outcome of an arbitration as contemplated under Chapter 64 of the Civil Procedure Law (1973). Further, the report was inconclusive as it did not make an award. Therefore, the entire exercise not having been grounded in law, is hereby set aside.

That this Court takes note that the Government of the Republic of Liberia carried out an adjudication exercise in the mid-1970s of land lying and

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situated in the Sinkor area, Monrovia, Liberia, up to 24<sup>th</sup> Street. The land in dispute is located on 5<sup>th</sup> Street, within the adjudication area.

That this case is hereby remanded with instruction that the lower court resumes jurisdiction thereof, proceed to decide ownership to the land in question by the judge ordering an investigative survey requiring the surveyors to use the deeds of the parties and the aid of Government's adjudication map to determine the location of the land and ownership thereof; and that the court with the aid of the jury makes a determination as to the party legally entitled to the said land.

Accordingly, the Clerk of this Court is ordered to send a mandate to the lower court to resume jurisdiction over this case and to proceed to hear this case anew. Cost to abide final determination. AND IT IS HEREBY SO ORDERED.

GIVEN UNDER OUR HANDS AND THE SEAL OF THE SUPREME COURT OF LIBERIA, THIS 7th DAY OF AUGUST, A.D. 2015. KABINEH M. JA'NEH ASSOCIATE JUSTICE, SUPREME COURT OF LIBERIA okolee JAMESETTA H. WOLOKOLIE ASSOCIATE JUSTICE, SUPREME COURT OF LIBERIA

SIE-A-NYENE G. YUOH ASSOCIATE JUSTICE, SUPREME COURT OF LIBERIA

**Note:** Chief Justice Francis S. Korkpor, Sr. having traveled at the time this case was heard, he did not participate in the hearing; hence, did not sign this judgment.

Justice Philip A.Z. Banks, III, having recused himself from the hearing in this case because of his relationship with one of the parties, did not sign this judgment.