

IN THE HONORABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA,  
SITTING IN ITS MARCH TERM, A.D. 2025

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

Mariam Pauline Ammons et al., of the City of )  
Paynesville, Republic of Liberia.....Appellants )  
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VERSUS ) APPEAL  
 )

The Intestate Estate of William E. Browne, by and thru )  
by its administratrix, Hawa Rhoda Browne, and its )  
administrator, Samuel P. Jackson, both of the City of )  
Paynesville, Republic of Liberia..... Appellee )

GROWING OUT OF THE CASE: )  
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The Intestate Estate of William E. Browne, by and thru )  
by its administratrix, Hawa Rhoda Browne, and its )  
administrator, Samuel P. Jackson, both of the City of )  
Paynesville, Republic of Liberia.....Plaintiff )

VERSUS ) ACTION OF EJECTMENT  
 )

Mariam Pauline Ammons et al., of the City of )  
Paynesville, Republic of Liberia.....Defendants )

Heard: June 18, 2025

Decided: August 14, 2025

MADAM CHIEF JUSTICE YUOH DELIVERED THE OPINION OF THE COURT

The appellants, Mariam Pauline *et al.*, are before this Court based upon an appeal from the final ruling of the Sixth Judicial Circuit, Civil Law Court, Montserrado County, in an action of ejectment instituted by the appellee herein, the Intestate Estate of William E. Browne.

The appellants have presented for our review, a six (6) count bill of exceptions which they believe constitute reversible errors committed by the trial judge. We shall first delve into the records to ascertain the facts and procedure that obtained at the trial court.

The records show that on April 26, 2010, the appellee instituted an action of ejectment against several defendants, including co-appellant Mariam Pauline Ammons, averring therein that the appellee is the bona fide owner of a one (1) acre parcel of land which was acquired by legal purchase from Igal & Eleatha Ammons on May 31, 1976; that the defendants illegally

entered upon the appellee's property and exercised unauthorized control thereof to the detriment of the appellee; that the defendants' continuous illegal withholding of the subject property deprived the appellee from rental it would have received had the subject property been leased; that based on the prevailing annual leasehold rental of Ten Thousand United States Dollars (US\$10,000.00) per lot for which properties in the vicinity similar to the appellee's were being leased for, the latter requested the trial court to grant it special damages in the amount of not less than Eighty Thousand United States Dollars (US\$80,000.00) as special damages, and to also award it a commensurate amount as general damages.

On May 18, 2010, co-appellant Mariam Pauline Ammons filed a separate answer, denying the allegations stated in the complaint. She averred that her entry upon and withholding of the subject property was not illegal, as alleged by the appellee, because her deceased father, Lemuel Ammons, transferred title to her for the property she is occupying, which consists of 0.60 lot, in 1982; that assuming that the appellee did acquire one (1) acre of land from Igal & Eleatha Ammons, said property is distinct from the subject property which is owned by co-appellant Mariam Pauline Ammons by virtue of the fact that the adjoining property to the appellee's, and alleged to be owned by 'M.D.K', does not exist in the community where the co-appellant's property is situated; that the appellee's claim of special and general damages on the basis of the alleged illegal entry and withholding of the subject property by co-appellant Mariam Pauline Ammons should be denied and dismissed because she is the legitimate owner of the property she is in possession of.

On May 28, 2010, the appellee filed its reply to co-appellant Mariam Pauline Ammons' answer denying all the allegation stated therein and confirming in its entirety the averments stated in its complaint.

Subsequent to the appellee's filing of its responsive pleading to the answer of only co-defendant Mariam Pauline Ammons, the records show that on June 23, 2010, co-defendant Grace Outreach Elementary and Junior High School, filed a motion for enlargement of time, asserting as the basis for the said motion, that following service of the writ of summons and the complaint upon it, the proprietor of the co-defendant school fell ill and was admitted to the Faith Medical Laboratory Clinic, Inc.; hence, the co-defendant's request for enlargement of time to afford the said co-defendant the opportunity to file its answer to the complaint.

The record is silent as to any further proceeding entertained on the motion for enlargement of time, except that on June 24, 2010, the co-appellant Grace Outreach Elementary and Junior High School filed its answer to the complaint, averring therein that the title deed of the appellee is a product of fraud as the subject property is owned by Mr. E. Sumo Jones; that the said E. Sumo Jones placed the co-defendant in possession of the property on which its school building is situated predicated on a lease agreement executed between the co-defendant and E. Sumo Jones; that the co-defendant has been in unhindered possession of the property it occupied from 1999 up until 2004 under the lease, and after which time the co-defendant entered a stipulation with E. Sumo Jones for the purchase of the said property. The co-defendant therefore requested the trial court to deny and dismiss the complaint in its entirety.

The records further show that on August 10, 2010, Yvonne Moore, represented by the same legal counsel representing co-appellee Mariam Pauline Ammons, filed a motion to intervene in the action of ejectment on ground that she is the legitimate owner of the subject property; that she acquired same from her late father, Lemuel Ammons, through purchase in 1969; that

given her vested right in the subject property, it was imperative that she be granted intervention to protect her property interest. In keeping with law, intervenor Yvonne Moore filed her intervenor's answer along with her motion to intervene, averring therein that she acquired the subject property from her father in 1969 by purchase as did co-appellant Mariam Pauline Ammons; that all the claims of the appellee are false and should be denied and dismissed because she and co-appellant Mariam Pauline Ammons are the legitimate owners of the respective properties they occupy.

The records show that as an outcome of a pre-trial conference held on August 18, 2010 and predicated on a motion for the conduct of an investigative survey filed by the appellee, without objection thereto by co-appellant Mariam Pauline Ammons, the trial court ordered the Ministry of Lands, Mines, and Energy, through its requisite division (which division of said Ministry was removed and is now the Liberia Land Authority) to nominate and forward to the court the name of a licensed surveyor to conduct the investigative survey requested by the parties.

It is worth noting that during the pre-trial conference, no action was taken by the trial court regarding the motion to intervene, neither did the intervenor's counsel, who is also counsel for co-appellee Mariam Pauline Ammons, make any submission on the records or by assignment for the hearing of the motion to intervene; that neither co-defendant Grace Outreach Elementary and Junior High School or its purported lessor, who the said co-defendant averred was the owner of the portion of the property it occupied, filed legal memorandum or were present at the pre-trial conference; and that based upon the legal memorandum filed by the counsel representing both co-appellant Mariam Pauline Ammons and intervenor Yvonne Moore, the legal counsel's representation at the pre-trial conference was made in behalf of both parties as though they were all joint co-defendants and jointly represented. We shall say more on this procedural blunder by the trial court and the legal counsels representing the parties.

The records show that on September 6, 2010, the surveyor appointed to conduct the investigative survey published an announcement of the survey stating the date of the survey as September 12, 2010. Amongst the interest parties that were cited to be present with their technical representatives were co-defendant Grace Outreach Elementary and Junior High School, co-appellant Mariam Pauline Ammons, and Madam Yvonne Moore.

Following receipt of the survey notice, surveyor Eastman K. Quaqua, who was presented to the trial court as the surveyor representing the interest of co-defendants Ammons and Moore, addressed a communication to the court appointed surveyor, Mr. Mulbah M. Buku, informing him that the date of the survey being Sunday, he would be unable to attend the process on said day; hence, he was requesting the date of the survey to be rescheduled to another date. Furthermore, he requested that the information contained in the survey notice to the effect that the said investigative survey was "in favor of William E. Browne", be revised to indicate that the said survey was intended to aid the court in its determination of the ejectment suit.

On the same date, that is September 8, 2010, surveyor Eastman K. Quaqua also addressed a similar communication to the trial judge informing him of the proposed date of the survey, same being Sunday, September 12, 2010 and his objection to the conduct of a survey on such a non-working day. The surveyor further emphasized his dissatisfaction with the portion of the survey notice stating "the property in question is in favor of William E. Brown". The

records again indicate no action on the part of the court-appointed surveyor to respond to the communication of surveyor Quaqua.

On September 13, 2010, the counsel representing co-defendants Ammons and Moore filed a bill of information with the trial court informing the court that the investigative survey had been conducted in the absence of the said defendants' technical representative; that prior to the conduct of the investigative survey, a communication was sent to the court-appointed surveyor, but he ignored same; that a communication was also sent to the court requesting its intervention to have the investigative survey rescheduled, but all to no avail. The co-defendants therefore prayed the trial court to cancel the investigative survey and have the court-appointed surveyor, Mr. Mulbah M. Buku replaced prior to the conduct of a new investigative survey.

Again, the records are silent as to whether or not a hearing was had on the bill of information. However, we do note that on October 13, 2010, Surveyor Mulbah Buku filed his investigative survey report with the trial court.

The records show that a notice of assignment for the reading of the investigative survey report was served on both the appellee and co-defendants Ammons and Moore on October 20, 2010 to appear on October 28, 2010. However, on the said date for the reading of the investigative survey report, that is October 28, 2010, only the counsel for the appellee was present, thus prompting the court to appoint a counsel to accept the said report on behalf of the defendants. Following the reading of the report, the court appointed counsel noted objections thereto and informed the court of its intention to pursue the appropriate statutory remedy.

Thereafter, the counsel representing co-defendants Ammons and Moore filed a formal objection to the investigative survey report asserting therein the contentions raised in the communication filed with the trial court on September 8, 2010. The crux of the said contentions was the conduct of the investigative survey in the absence of the co-defendants and or their legal counsel, even though the said counsel had requested that the survey be rescheduled to another day other than Sunday; that even after the court-appointed surveyor had ignored the co-defendants request for a reschedule of the survey and proceeded with the investigative survey on a Sunday, the said co-defendants formally informed the trial court via bill of information; that the trial court failed to hear the bill of information prior to the reading of the investigative survey report although the bill of information had been filed prior to the notice of assignment for the reading of the investigative survey report, same was never disposed of by the court. Similar to their prayer as contained in the bill of information, the co-defendants prayed the court in the objection to cancel the investigative survey and have the court-appointed surveyor, Mr. Mulbah M. Buku, replaced by another licensed surveyor to be nominated by the Ministry of Lands, Mines, and Energy.

On December 14, 2010, the appellee filed its resistance to the Objections contending *inter alia* that sufficient prior notice was provided by the lead investigative surveyor nominated by the Ministry of Land Mines, and Energy prior to the date of the survey. Hence, the co-defendants failure to appear for the survey was negligence on their part.

On December 20, 2010, the trial court entertained arguments on the objection to the investigative survey, *pro et con*. The counsel for co-defendants Mariam Pauline Ammons and Yvonne Moore argued that the matter had been ruled to arbitration; that the court appointed

arbitrator could not legally proceed to conduct the arbitral proceedings in the absence of the arbitrator representing the respective parties, in this case, the co-defendants technical representative; that because the survey notice published by the court appointed arbitrator stated that “*the arbitration survey was to be conducted in favor of the appellee*” same indicates partiality on the part of the court-appointed surveyor; and that predicated on their notice to the court appointed arbitrator that they were unprepared to participate in the survey on the scheduled date, but the said arbitrator proceeded with the survey in their absence, the report thereof should be set aside.

The appellee’s counsel argued that all the requirements necessary for the conduct of an arbitral proceeding in consonance with “Chapter 64.2 of the Civil Procedure Law” had been satisfied. Hence, it was proper for the court-appointed arbitrator to proceed with the survey, and the report therefrom should not be set aside.

Following the hearing on the objection, the trial court rendered its final ruling on February 7, 2011 in favor of the appellee. We quote pertinent excerpt of the said final ruling, to wit:

“...The court says that after due consideration of the pleadings in this matter which includes the complaint, the answer, the reply, the motion for investigative survey and the report emanating therefrom, the objection to the said investigative survey report and the resistance thereto, and further giving consideration to the substance of the [objection] to the investigative survey report, this court says that the said objection while certainly identifying errors that were committed by the chairman of the board, the court however says that consistent with section 1.4 of the Civil Procedure Code, this court considered the said errors as harmless, as no substantial right or interest of the objector was affected thereby. The court further says that giving further consideration to the fact that this matter was earlier subjected to an investigative survey by the Ministry of Lands Mines, and Energy through the Ministry of Justice, and that the report emanating from this earlier survey is supported by the report of the survey commissioned by this court. This court is left with no alternative but to confirm and affirm the said survey report. The court says that the conclusion of the report being that the plaintiff herein possessed genuine title to the property, and that the title deed of the plaintiff cuts squarely for the property in dispute.

This court is left with no alternative but to adjudge the defendant herein liable in ejectment...”

The appellants noted exceptions to the final ruling of the trial court and thereafter an announced appeal to the Supreme Court. Thereafter, the appellants filed their bill of exceptions, consisting of six (6) counts, and which we quote below verbatim, to wit: (quote bill of exceptions)

Having meticulously examined the certified records, we have determined that the sole issue dispositive of this appeal is whether the trial court committed reversible error by adjudging the appellants liable solely on the basis of the investigative report, without conducting a trial.

Before proceeding with our determination of the issue, this Court notes that the appellants challenged the conduct of the investigative survey and objected to the trial court’s acceptance of the resulting report solely on the ground that the survey was conducted on a Sunday.

Although official business is generally not conducted on Sundays, exceptions do exist, as in the present case. Taking judicial notice of the location of the subject property, *viz.*, the “Red Light Community,” a bustling commercial area, it was not only convenient but also expedient to conduct the investigative survey on a Sunday. Moreover, an investigative survey report being for the Court and not for the parties, it was therefore not untenable for the trial court to receive the investigative survey report as same is intended to aid the court in determining the ownership of a disputed property.

Proceeding with the issue, *viz.*: whether the trial court committed reversible error when it proceeded to adjudge the appellants liable solely on the basis of the investigative survey report, this Court reiterates, with emphasis, that an investigative survey report is distinguishable from an arbitration award. While an investigative survey may constitute part of the proceedings in an arbitration, it is not *ipso facto* conclusive as to the rights of the parties thereto, nor does an investigative survey produce a binding award, as is the case with arbitration.

The records show that, at the pretrial conference, the counsel representing the appellants conceded to the motion for an investigative survey that had been filed by the appellee’s counsel, and there is nothing in the records indicating that the parties, at any point, agreed to submit the matter to arbitration.

As stated above, an investigative survey is legally distinguishable from an arbitration proceeding. In a plethora of its Opinions, the most recent of which is *Abraham K. Wales et al. v. The Intestate Estate of Arthur and Ruben Hart*, Supreme Court Opinion, March Term, 2025, this Court espoused the following:

“Chapter 64 of the Civil Procedure Law, titled ‘Arbitration,’ sets out a proceeding whereby parties to a dispute who desire their matter settled by arbitration must submit a written agreement to the court agreeing to refer their dispute to a board of arbitrators. This agreement effectively ousts the court from delving into the hearing of the matter, except to confirm the awards made by the arbitral board, with exceptions as set forth in section 64.10 of the Civil Procedure Statute. An arbitration agreement further sets out the issues agreed upon by the parties to be put before the board for resolution, and the parties must expressly consent to those issues in the written agreement. An investigative survey, on the other hand, is one requested or directed by the court as a means of assisting in the resolution of certain technical aspects of a case, thereby aiding the court in determining a factual issue. The surveyor appointed by the court is placed on the stand to testify to the report, which is subsequently submitted to the jury for consideration.”

We hereby affirm our holding in the above-referenced case. Accordingly, it was mandatory for the trial judge to submit the investigative survey report to the jury for determination, given that the records are devoid of any application by any of the parties, particularly the defendants, requesting a bench trial. It should be noted that an investigative survey report is a technical instrument that carries the weight of evidentiary proof regarding the physical location of the property in dispute *vis-à-vis* the title deeds of the contesting parties. In essence, the purpose of an investigative survey being to aid the trial court in determining the ownership of a disputed property by comparing the metes and bounds of the deeds presented by the respective parties against the physical ground location of the disputed property, the report

emanating therefrom, along with all the species of evidence pleaded by the parties, must be presented to the jury/court for consideration at trial.

The investigative survey report, like all other species of evidence relevant to a matter in dispute, must be tested through direct and cross-examination to establish its veracity. This process is generally the province of the trial jury, except where the parties have expressly consented to a bench trial. *Jarba v. Fagans-Freeman*, Supreme Court Opinion, October Term, 2012. Hence, the instant case being a jury trial, the trial judge erred when he summarily terminated the ejectment action without the conduct of a trial, and without the investigative survey report and other species of evidence presented to the trial jury.

This Court has consistently maintained that where procedural safeguards are ignored and the process results in the deprivation of the right to be heard, the judgment flowing therefrom is voidable. It is the law that the strict and rigid application of procedural rules is quintessential to equity and justice, noting that procedural rules are the handmaids of due process. *His Hon. Holder et al. v Sirleaf-Hage et al.*, Supreme Court Opinion, October Term, 2013.

Noting the numerous procedural errors that attended the proceedings at the trial court, we sternly caution judges to desist from circumventing established trial procedures, and warn that non-compliance thereof, as in the present case, will attract stringent administrative actions.

WHEREFORE AND IN VIEW OF THE FOREGOING, the final ruling of the Sixth Judicial Circuit, Civil Law Court, Montserrado County, rendered on February 7, 2011, should be, and the same is hereby reversed and the case is remanded for the conduct of a new trial with the investigative survey report and other species of evidence presented to the trial jury. The Clerk of this Court is ordered to send a Mandate to the trial court commanding the judge presiding therein to resume jurisdiction over this case and give effect to the Judgment of this Opinion. Costs are to abide final determination. AND IT IS HEREBY SO ORDERED.

*Reversed and remanded*

*When this case was called for hearing, no lawyer appeared for the appellants. Counsellors Lawrence Yeakula, Joyce Reeves Woods, and Denise S. Sokan appeared for the appellee.*