

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 : CEANEH D. CLINTON JOHNSON .....ASSOCIATE JUSTICE

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| Church of God in Christ, Inc. by and thru its Pastor James McGill of the City of Monrovia .....  | ) |                   |
|  | ) |                   |
| Versus   | ) |                   |
|  | ) | Motion to Dismiss |
| Jeannette K. White by and thru her husband Alex White, heirs and administrators of the Estate of Kaiser A. A. Knowlden of the City of Monrovia ..... | ) | Appeal            |
|  | ) |                   |
| <u>GROWING OUT OF THE CASE:</u>  | ) |                   |
|  | ) |                   |
| Jeannette K. White by and thru her husband Alex White, heirs and administrators of the Estate of Kaiser A. A. Knowlden of the City of Monrovia ..... | ) |                   |
|  | ) |                   |
| Versus   | ) | Appeal            |
|  | ) |                   |
| Church of God in Christ Inc. by and thru its Pastor, James McGill of the City of Monrovia .....  | ) |                   |
|  | ) |                   |

Heard: March 18, 2025

Delivered: May 28, 2025

MADAM JUSTICE WOLOKOLIE DELIVERED THE OPINION OF THE COURT

This motion to dismiss currently before us evolved from an initial action of ejectment filed before the Six Judicial Circuit, Civil Law Court, Montserrado County, sitting in its March Term 1988, on February 27, 1988, by the movant/appellee Church of God in Christ Inc. against co-respondents/appellants, Jeannette White and heirs and administrators of the estate Kaiser A. A Knowlden.

In its complaint, movant claimed that it owned one lot of land lying and situated in Sinkor Old Road which it purchased from its grantor, Mr. Edwin J. Gabbidon, in the year 1979, and received a warranty deed for same; that said property was knowingly encroached upon by respondents who has begun to erect a building thereon without the movant’s consent or with any justifiable reasons; that despite the movant’s informing the respondents that the land

belong to it, the respondents had refused to abandon their occupancy and construction and vacate the premises, and which necessitated the movant to pursue an action of ejectment against the respondents/appellants.

The respondents filed an amended answer denying the movant's claim that they had encroached upon the movant's land; that the land that they were occupying was two acres of land that their father, Kaiser A. A. Knowlden, purchased from Clara E. McCauley in 1952; that Clara E. McCauley purchased the said two acres from Laura Thompson in 1950 a period of more than thirty (30) years since the respondents grantor obtained title before the movant alleged to have acquired the property in 1979.

A cursory review of the case file reveals that several contentious papers were filed in the matter, and on October 8, 2010, the parties made an application/stipulation to the court for appointment of a board of arbitration, stating that it is the only authority that could determine which of the parties owns the disputed land. Clause 2 of the application specifically stated that the parties agree that a majority award of the board of arbitration "shall be binding upon them and upon which judgment shall be rendered by the court".

The arbitration board comprising of three persons was constituted by the court and thereafter the board made its report to the court awarding the movant 0.7 lots instead of the one (1) lot claimed by it. The respondents, Jeannette White and other administrators of the Kaiser Knowlden Estate, filed objections to the arbitration report, stating that the arbitration required all the board members to sign the award but the award was signed only by the Chairman, and that the report awarded only 0.7 lot to the movant Church instead of the one (1) lot claimed by it.

The lower court heard the respondents' objections, and on May 3, 2017, ruled that contrary to the respondents' averment, the record showed that two of the members of the board did affix their signatures to the board's report, and the mere fact that a party's deed called for a certain parcel of land does not necessarily mean that all of that parcel of land must be conveyed to the party; that it is the duty of the technicians to conduct the necessary investigation and determine the exact portion of property available to a party in a specific dispute. The lower court therefore held that since none of the grounds stated in Chapter 64, Section 64.11 of the Civil Procedure Law for vacating an arbitral award was averred by the respondents, and in the absence of any of said statutory violations, the court lacked the legal competence to review the act of the arbitrators. The lower court therefore denied the respondents' objections and affirmed the board of arbitrations award to the movant Church.

The respondent noted exceptions to the judge's ruling, announced an appeal and filed a four counts bill of exceptions.

The movant herein filed about a year later, that is on June 26, 2018, a motion to dismiss the respondents' appeal, contending that the respondents, upon the ruling of the judge affirming the board of arbitration's report, noted their exceptions to the ruling and filed a bill of exceptions within the statutory period; however, movant contends that the respondents had since failed to perfect its appeal by filing a notice of completion along with the appeal bond as statutorily mandated by the laws controlling in our jurisdiction.

In line with numerous cases on motions to dismiss decided by this Court, and in which the Court has expounded that the Supreme Court lacks jurisdiction to hear an appeal where the statutory steps of appeal have not been complied with, this Court says that it lacks the jurisdiction to hear this appeal, and therefore grants the motion to dismiss; *Williams et al v National Port Authority*, 42 LLR 520, 525 (2005); *Varney et al. v Kollar* Supreme Court Opinion, October Term, A.D 2015; *Ding Shu Jun v Najib Kamand*, Supreme Court Opinion, October Term, A.D. 2024.

WHEREFORE AND IN VIEW OF THE FOREGOING, the movant's motion to dismiss the appeal is hereby granted and the appeal ordered dismissed. The Clerk of this Court is ordered to send a Mandate to the Court below, commanding the judge presiding therein to resume jurisdiction over this case and give effect to this Judgment. Costs are ruled against the respondents. AND IT IS HEREBY SO ORDERED.

WHEN THIS CASE WAS CALLED FOR HEARING, COUNSELLOR PETER W. HOWARD OF THE HOWARD AND PARTNERS INC. APPEARED FOR THE MOVANT. COUNSELLOR FINLEY Y. KARNGAR APPEARED FOR THE RESPONDENTS.