

IN THE HONORABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA, SITTING IN  
ITS OCTOBER TERM, A.D. 2024

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

Ralph Wilson of the City of Monrovia, Liberia.....Appellant	)	
	)	
Versus	)	APPEAL
	)	
Mrs. Lucinda Finda Blasser of Switzerland, by and thru her Attorney-In-Fact, Lincoln Philips, of the City of Monrovia, Liberia.....Appellee	)	
	)	
<u>GROWING OUT OF THE CASE:</u>	)	
	)	
Ralph Wilson of the City of Monrovia, Liberia.....Movant	)	
	)	
Versus	)	MOTION TO DISMISS
	)	
Mrs. Lucinda Finda Blasser of Switzerland, by and thru her Attorney-In-Fact, Lincoln Philips, of the City of Monrovia, Liberia.....Respondent	)	
	)	
<u>GROWING OUT OF THE CASE:</u>	)	
	)	
Mrs. Lucinda Finda Blasser of Switzerland, by and thru her Attorney-In-Fact, Lincoln Philips, of the City of Monrovia, Liberia.....Petitioner	)	PETITION FOR REVOCAION OF LETTERS OF ADMINISTRATION
	)	
Versus	)	
	)	
Ralph Wilson of the City of Monrovia, Liberia.....Respondent	)	

Heard: July 4, 2024

Decided: December 19, 2024

\\MADAM JUSTICE WOLOKOLIE DELIVERED THE OPINION OF THE COURT

This appeal emanates from a ruling on a motion to dismiss filed by the appellant on August 5, 2015, against a petition for revocation of letters of administration filed by the appellee, Lucinda Finda Blasser, to declare *void ad initio* letters of administration issued to the appellant, Ralph Wilson, on October 18, 2013.

Having spent time going through the painstaking task of reviewing the disorganized records of the file forwarded to this Court from the Probate Court of Montserrado County, we see from the records that Lucinda Finda Blasser and Cleopatra Tannous, daughter and sister of the deceased Mary Wilson Blaser petitioned the court, on May 10, 1996, to administer the intestate estate of the deceased Mary Wilson Blasser, who died on July 23, 1995, leaving behind several real and personal properties; that on the 6<sup>th</sup> day of August 1996, the said court granted letters of administration to the petitioners as administratrixes of the deceased Mary Wilson Blasser intestate estate; that the administratrixes, having performed in accordance with the Decedent Estates Law, Rev. Code II:119, filed their final report to the court, praying the court for a decree to close the deceased estate. The Probate Judge, His Honor Judge John L. Greaves, after due consideration, granted the application on March 3, 1997, and issued a decree declaring the said estate closed.

We see in the records that the estate having been closed, Judge J. Vinton Holder who succeeded His Honor Judge John L. Greaves in the probate court was petitioned by the appellee for letters testamentary after having subsequently found a Will said to be that of her mother Mary Wilson Blasser. On May 15, 2007, the Will was read in open court and Judge Holder ordered the clerk of court to notify the public of the presentation of the Will and have same placarded at various places around the Temple of Justice. As ordered, notices were placed in the Inquirer Newspaper on May 18, 25, and June 8, 2007, calling for persons with legal or formal objections to the Will to file same before the Clerk of the Probate Court on or before June 15, 2007, and same was also placarded at conspicuous places at the Temple of Justice. On June 22, 2007, as required by law, that after thirty (30) days from the reading of the Will and same made public, the appellee presented two witnesses to the court, Annie Kaydee and Henry Freeman who upon being qualified by the court, testified to the genuineness of the decedent's signature on the Will in respect of their familiarity with the decedent's signature on other documents they have seen or have been witness to that the decedent executed while alive. The probate court, without any objection filed before it in regards to the Will, had the appellee appointed as Executrix of the Will. It is the property that the decedent willed and bequeathed to the appellee in the Will that the appellant began to exert authority and control over after having subsequently obtained letters of administration to administer the deceased Mary Wilson Blasser's property.

Thereafter, the appellant without any application to the court for the reopening of the intestate estate or to revoke the letters testamentary issued to the appellee, was granted letters of administration by the same Judge Holder, after he alleged that the deceased, Mary Wilson Blasser, was his sister.

On February 12, 2015, the appellee, now residing aboard, authorized her attorney-in-fact, Lincoln Philips, to have Counsellor Jonathan T. Massaquoi write a letter to Judge Vinton Holder, bringing to his attention that the appellant, Ralph Wilson, had obtained letters of administration from the Probate Court after her mother's estate had been closed; that he was administering the estate which had been inherited by her, Lucinda Fina Blasser Blatty, and was illegally beginning to meddle and interfere with the tenants of the appellee, collecting rent and evicting those who failed to cooperate with him. In his letter to the court, Counsellor Massaquoi prayed the court to revoke the letters obtained by the appellant Ralph Wilson which he had obtained by deception and misrepresentation.

Upon receipt of the letter of complaint from Counsellor Massaquoi, we see that the Judge sent out several citations for a conference which the appellant evaded, and on April 4, 2015, the appellee by and thru her attorney-in-fact, Lincoln Philips, filed a formal petition for revocation of the letters of administration granted to the appellant by the Probate Court.

In the petition for revocation, the appellee stated that she was the daughter of the deceased Mary Wilson Blasser; that she had administer her mother's property after her death and subsequently had it closed; that the estate though closed, the probate court as a consequence of the dubious and surreptitious act of the appellant, Ralph Wilson, had issued letters of administration on October 18, 2013, to appellant Ralph Wilson to administer the same estate; that since the issuance of the letters of administration to the appellant, he had been interfering with the appellee's property by allowing intruders to construct structures thereon, a situation she termed as an embarrassment since it prevented her from having quiet and uninterrupted enjoyment and access to her property; that the subject letters of administration being a product of deception and misrepresentation, it was fit subject for revocation as per the Decedent and Estates Law, Rev. Code II:107.10 (d) which allows for revocation of letters for disqualification or misconduct. The appellee attached to her petition copies of relevant documents to substantiate her right to administer the estate.

On May 8, 2015, the appellant Ralph Wilson filed his responsive pleading to the appellee's petition for revocation of his letters of administration along with a motion to dismiss the appellee's petition. In his motion to dismiss, the appellant asserted that given the pendency of an action of ejectment filed by the appellee before the Sixth Judicial Circuit, Civil Law Court, Montserrado County, her petition seeking revocation of letters of administration must be dismissed, and that the motion is in the best interest of justice, for the appellee had obtained letters of administration from the probate court by fraud for which the parties need to proceed to the Civil Law Court where both parties have an ejectment pending for the subject property.

After the resting of pleadings, and as per our proceedings that pretrial motions must be disposed of before trial, the appellant's motion to dismiss was assigned for hearing and arguments entertained, after which a final ruling was made by the court. (*Konneh et al vs. LPRC*, 40 LLR 728, 735 (2001).

Judge Holder ruled denying the appellant's motion to dismiss, and entered a final ruling on the appellee's behalf. In his ruling, he stated that there was no showing in the records of the court or in the appellant's motion that prior to obtaining letters of administration for the selfsame estate, the appellant made an application to reopen the estate which was material to the determination of the case; that all the appellant had done was plead the principle of *lis pendis* alleging that the parties have an ejectment action pending between them in the Civil Law Court which argument the court was at loss with, since an ejectment action deals with title and possessory rights to property (Rev Code 1.62), whereas, in this case, the petition seeking revocation of letters of administration issued to the appellant is separate and distinct in character and form and does not in itself constitutes title ownership over real property. The court held that the movant's reliance upon *lis pendis* was flawed, and the court relying upon the laws relevant to the case held that it could not have issued letters of administration subsequently to the appellant where the estate had been closed, especially in the absence of an application filed by the appellant with the court alleging fraud, errors, or misrepresentation by the previous administrators and a hearing held and determination made by preponderance of the evidence. Besides, when an intestate estate is declared close following an appropriate application, it is no longer under the jurisdiction of the court until a new application for reopening is made by a party of interest.

The probate court in its answer to whether it could cancel or revoked letters of administration obtained by misrepresentation and or deception, held that it was left with no alternative but to answer the lone issue in the affirmative. The court therefore denied the appellant's motion to dismiss based on the appellee's resistance which the court said was legally sound, and it proceeded to rule that the letters of administration granted to the respondent/movant having been obtained by misrepresentation made to the court, was revoked, annulled and cancelled as if it was never issued.

The court's appointed counsel noted exception, and on July 23, 2015, the appellant filed a two-count bill of exceptions. He assigned as error, that: 1) the court's decision to deny his motion to dismiss the appellee's petition for revocation of letters of administration duly issued, and 2) the court's failure to rule the case to trial having denied the motion to dismiss.

The appellant essentially argued before us that the probate Judge committed error when after hearing his motion to dismiss it did not only deny his motion to dismiss but granted the appellee's petition for revocation of his letters of administration without ruling the petition to trial.

We disagree that error was committed by the Judge as the court itself upon realizing that it had committed an error after it had closed the estate and having no further jurisdiction over the closed estate proceeded to grant letters of administration to the appellant, without a petition filed by the appellant praying the court to re-open the estate for reason(s) given under section 107.10 of the Decedent Estates Law and bringing the appellee under the jurisdiction of the probate court to substantiate his claim.

In the instant case, however, a Will was subsequently presented to the probate court, proved, and letters testamentary granted to the appellee, naming her as the sole executrix of the Will. This Will evidencing the true intent of the deceased and which superseded previous letters of administration granted to the appellee, could only be invalidated by the appellant filing a petition before the probate court in accordance with the Decedents Estates Law Rev. Code, II: 2.11.

We see nowhere in the records that any such petition for annulment of the Will was filed by the appellant before the probate court and heard to warrant the granting of letters of administration to the appellant. This Court says that no two instruments for the administration of the same estate can co-exist unless the previous is revoked. The letters of administration the appellant obtained illegally is hereby annulled and revoked.

It is a principle of law that a sitting judge may modify or rescind a ruling or judgment where that judge realizes as in this case some error of judgment, fraud or misrepresentation: *Raymond International Liberia, Ltd. vs. Dennis*, 25 LLR 131, 142. (1976); that a decree or order has the same effect and may be enforced in like manner as a similar judgment, decree or order made by the circuit court in a civil action. (Decedents Estates Law, Code II:106.1). Therefore, in this case, Judge Holders' decision to summarily revoke the letters of administration issued to the appellant was within the pale of the law.

IN VIEW OF THE FOREGOING, the ruling of the probate court below is affirmed. The Clerk of this Court is ordered to send a Mandate to the court to proceed to give effect to the Judgment emanating from this Opinion. Costs are ruled against the appellant. AND IT IS HEREBY SO ORDERED.

**COUNSELLOR THOMPSON JARGBA APPEARED FOR THE APPELLANT.  
COUNSELLOR KPOTO KPADEH GIZZIE APPEARED FOR THE APPELLEE.**