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

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: CEAINEH D. CLINTON JOHNSON…….....ASSOCIATE JUSTICE
BEFORE HIS HONOR: BOAKAI N. KANNEH……..…….....ASSOCIATE JUSTICE

Better Way Word of Life Ministries International, represented by its Pastor, Mentor Yormie of the City of Monrovia, Liberia…….Appellant

Versus) APPEAL

James B. Matthews of the City of Monrovia, Liberia……Appellee

GROWING OUT THE CASE:

James B. Matthews of the City of Monrovia, Liberia…….Plaintiff

Versus) ACTION OF EJECTMENT

Better Way Word of Life Ministries International, represented by its Pastor, Mentor Yormie of the City of Monrovia, Liberia……..Defendant

Heard: November 20, 2025 Decided: February 12, 2026

MR. CHIEF JUSTICE GBEISAY DELIVERED THE OPINION OF THE COURT

This appeal grows out of an action of ejectment involving a parcel of land situated opposite the S.D. Cooper Road Junction, Paynesville City, Montserrado County. The parties are siblings, each asserting ownership of the same property through different chains of title allegedly derived from their late father, Daniel K. Matthews, Sr.

The records certified to this Court reveal that on August 15, 2016, that James B. Matthew, appellee herein, instituted an action of ejectment in the Sixth Judicial Circuit, Civil Law Court, Montserrado County, alleging that he and his brother, Daniel K. Matthew, Jr., are the bona fide joint owners of 3.2 lots of land situated opposite S.D. Cooper Road, Paynesville City, purchased on November 8, 1965 from J.M. Kolly, and evidenced by a warrant deed probated December 11, 1965 and registered in Volume 88-G, Page 910; appellee alleged that Better Way Word of Life Ministries International, appellant herein, through its pastor, Mentor B. Yormie, is wrongfully occupying a building erected on a portion of the property, despite repeated demands to vacate.

The appellant responded to the appellee's complaint and informed the court that it is not the owner of the said property and that it was on the property by authority from one Krubo Dalaesay Matthews Onabajo. The said Krubo Dalaesay Matthews Onabajo then filed a

motion to intervene, asserting ownership of the said 3.2 lots, allegedly conveyed to her by her late father, Daniel K. Matthews, Sr., and certain siblings and that she will be affected from a judgment arising from the said case, so she should be allowed to intervene. She then issued a power of attorney to Mentor Yormie to defend her interest since she was not in the country. The trial court granted the motion to intervene, making her a co-Defendant in the main suit and the appellant filed an intervener's answer alleging that she is the lawful and true owner of the said land and that she is the owner of the property in question by virtue of a title deed issued to her in 2006, from her late father and siblings, namely, Daniel Matthews Sr., Daniel Matthews, Jr., Krubo Matthews, Wubu Matthews, Gaydour Matthews, Edith Matthews and Lorpu Matthews; that there are other signatories to the said transfer including Daniel Matthews, Jr, who is alive and willing to testify; that prior to the conveyance made to her, a survey notice was issued out to all interested parties in the presence of the appellee and the said survey was carried out without any incident or complaint by anyone including the appellee; that the appellee's claim of purchasing the property in 1965 when in fact he was just an unemployed child only proves that his claims to said property is without merit.

The appellant then prayed the court to deny and dismiss the appellee's complaint.

The appellee filed its reply to the appellant's intervener's answer reiterating that he along with David K. Matthew, Jr., are the lawful owners of the said property; that his late father and siblings did not transfer any land to the appellant; that their father could not have transferred title of the subject parcel of land to her, because the land was never jointly owned by them and their father; that the appellant's assertion that in 1965, he could not have purchase the said land is baseless, as he did not claim to purchase the said land but that the land was instead purchased in their names and a title deed was issued to him and his brother Daniel K. Matthew, Jr.

The appellee then prayed the court to deny and dismiss the intervener's answer.

After the disposition of law issues, the case was ruled to trial. Trial in this case was first held during the September Term, A.D. 2017. A jury verdict of "LIABLE" was returned in favor of the appellee. The appellant excepted to the jury's verdict and filed a Motion for New Trial. The records show that the motion was heard, and a ruling entered by the trial judge, granting the said motion and setting aside the jury's verdict. The appellant who was respondent in the said motion, excepted to the judge's ruling and announced an appeal to the Honorable Supreme Court. Unfortunately, the ruling was never made available to the parties and the appeal announced and granted could not be processed. The parties therefore requested for a new

trial. It is worth noting that the records from the trial court do not contain a copy of the previous judge's ruling on the Motion for New Trial.

Based upon this, the parties informed Her Honor Golda Bonah Elliott who was the then assigned at the trial court that the previous judge did not issue them copies of the ruling on the day it was made on grounds that he had some corrections to make and unfortunately, copies to the ruling were never provided to them and neither filed with the court. The parties therefore prayed for a retrial of the case and the court granted same.

During a pre-trial conference held on January 15, 2024, with the judge, the parties agree to a bench trial by the judge. This request was granted by the Court.

At the trial of the case on March 25, 2024. The parties agreed that given the lapse in time and given the fact that few of the witnesses who testified during the 2017 trial were no longer available due to death and/or distance and ill-health, the testimonies of the witnesses in the 2017 trial be admitted as evidence in the determination of this case. This request was granted, and the parties were mandated to file their respective legal memorandum.

During the trial, the appellee was the only person who testified on his behalf.

The appellant/intervenor paraded four witnesses, in persons of: Daniel Matthews, Jr, Trokon Demawu, Mentor Yormie and Molly Traub.

Final argument in the case was heard on April 25, 2024, and the trial judge ruled in favor of the appellee/plaintiff. The appellant/defendant excepted and announced an appeal to this Court.

The appellant then filed a five-count bill of exceptions for this Court's review, in which the appellant primarily argues that:

> "the trial judge erred and made a reversible error when he she failed to take into account that a major ground in an ejectment action in establishing proof of ownership lies with the plaintiff, yet, the trial judge placed the onus on the defendant to establish same by insinuating that the defendant could not show how its grantor acquired title in himself to have transferred same to the defendant; but, failed to use the same yardstick to question the title of the plaintiff who had the burden to prove; and as such, is sufficient ground for the reversal of the trial court's ruling by this Court; that the trial judge erred and made a reversible error when she failed to take into account the long line of Supreme Court opinions which says that, property matters should be taken with the utmost diligence and care; and for Your Honor to rule against a defendant in a case where the substituted

plaintiff, Daniel K. Matthews, Jr, served as one of the witnesses on behalf of the defendant in the trial before and admitted that he was not knowledgeable of any property belonging to the plaintiff then, and “him"; which was corroborated by the Plaintiff then, yet, in the face of this clear admission, the trial judge ignored same and allow said unorthodox procedure to avail, this judgment of the trial judge ignoring same is contrary to the practice and procedure adopted by our courts, and for this, the ruling of the trial court should be overturned.”

The appellant’s main contention is that the trial court erred when it granted the substitution filed by Daniel Matthews, Jr., to replace the original plaintiff who had passed away, after the said Daniel Matthews, Jr., had previously testified on the appellant’s behalf in this case and that the trial court erred when in placing the burden of proof on her (appellant) to establish proof of ownership but failed to use the same yardstick for the appellee.

As stated above, both appellee and appellant are claiming the same parcel of land. The appellee claims by virtue of a title deed from J. M. Kolly (Joseph M.Kolly), to James Matthew and Daniel Matthews, Jr., issued November 8, 1965; while the appellant claims that the property was given to her by her father and her other siblings in 2006, pursuant to a title deed.

We must hasten to say that both appellee and appellant are siblings and that during the course of the trial, the plaintiff who initiated the suit passed away and his brother, Daniel Matthews, Jr, filed a motion for substitution and the said motion was granted by the court.

The appellant has argued in her bill of exceptions that the trial court erred when it granted the motion for substitution filed by the appellee/plaintiff when the original plaintiff who initiated the suit passed away on grounds that Daniel K. Matthews, Jr., who substituted the original appellee/plaintiff, had previously served as one of her witnesses and admitted in his testimony that he had no knowledge of any property belonging to the appellee and yet in the face of this clear admission, the trial court allowed the self-same witness to be substituted to replace the original plaintiff, which is a clear violation of our laws and is contrary to our practice and procedure adopted by our courts.

We must firstly examine the testimony of the said Daniel Matthews, Jr., and then review the laws on this point to properly decide this issue raised by the appellant.

Firstly, we examine the testimony rendered by Daniel Matthews, Jr., when he testified on behalf of the appellant. Daniel Matthews, Jr., during his testimony provided the following:

Q: Mr. Witness, is there another Daniel Matthew in your family?

A: I do not know about him.

Q: Mr. Witness, are you aware that Daniel K. Matthews, Sr., transferred or gave a deed of a property along the S.D Cooper Road to James Matthews and you?

A: No.

The Witness was asked the following question on the cross:

Q: Mr. Witness, based upon your testimony provided during the direct examination, am I correct to quote you to say that you were not part of the transfer of the property to Krubo Matthews (appellant/intervenor)?

A: No.

Q: Mr. Witness, am I correct to quote you to say that there is no other Daniel Matthews in the family besides you?

A: Yes.

Q: Mr. Witness, you testified to this court that you were told by Krubo Matthews that your father, Daniel Matthews, Sr., transferred the land to her, same being located around S.D Cooper Junction, am I correct?

A: Yes.

Q: Mr. Witness, are you aware of any deed that was transferred to your sister, and if so, the signatories to that deed?

A: I know that my father said he was giving land to Krubo long time ago, but when they were fixing the deed, I was not there.

Q: So, Mr. Witness, it means that you are not certain that the deed was transferred to your sister?

A: No.

The witness was asked the following question by the court:

Q: Mr. Witness, did I understand you to say that you are not signatory to the deed that is proffered and annexed to the defendant's (appellant) answer?

A: No.

The questions and answer provided above by the said witness shows that he had no knowledge of the said deed being issued to the co-appellant/intervener and also had no idea of any deed being transferred to him and his brother (the original plaintiff), we are left to wonder why he was called by the appellant to testify. Notwithstanding, however, the appellant's argument that because the substituted plaintiff had previously testified as one of her witnesses, the trial court erred when it granted the said motion for substitution and allowed him to substitute the original plaintiff is untenable.

The appellant had argued that the deed issued to her was issued by her late father and siblings, to include the witness, (Daniel Matthews, Jr.) all of who she alleged were signatories to the said deed; however, during the testimony of Daniel Matthews, Jr., on behalf of the appellant, he clearly stated that he did not sign any deed from his late father to the appellant and did not know if their late father ever give any deed to the appellant.

Review of our laws shows that Civil Procedure Law, Rev. Code 1:5.31 (1) (2) expressly empowers the courts to substitute a party in a case if the interest of justice so requires. The law provides that a motion to substitute a party may be made by any party to an action or by the successors to or representatives of a party; or that the court may sua sponte, order substitution of a party in any case in which the interests of justice require it. The clear and unambiguous reading of the above quoted statute provides that the motion may be filed at any time during the pendency of an action upon the death of a natural party to a case.

We note from the appellant's argument that the appellant is urging this Court to adopt a rule that any person who testified for the opposing side should be forever barred from later appearing in the same case as a party, an argument we find is against all legal reasoning and not persuasive.

A witness testimony is evidence for a particular cause and not an allegiance pledged by the witness to the party litigant on whose behalf the said witness appeared or testified for as a witness is called to speak to facts within his knowledge and such responsibility does not thereby bestow legal identity with the party who calls him to testify, except where the said testimony creates a waiver of legal rights or binding admissions inconsistent with the witness later claims, element which we do not find present herein.

The records clearly show based upon the substituted plaintiff testimony quoted above that the substituted plaintiff testimony merely established lack of personal knowledge regarding whether their father executed a deed solely to the original plaintiff or whether their father executed a deed to the appellant, the substituted plaintiff testimony did not establish that their father conveyed the property to the appellant or that the original plaintiff had no interest in the

property whatsoever, in fact the substituted witness testified that he did not sign any deed that was given to the appellant by their father, a claim that the appellant made previously that the deed given her by their father was signed by her siblings including the substituted plaintiff; it is clear that all the substituted witness testified was that he did not know of any transfer both to the appellant and the original plaintiff by their late father.

We now hold that a witness who states that he is unaware of a conveyance does not thereby disclaim his own legal inheritance rights nor validate the title of another as inheritance rights arise by operation of law and are not defeated by a party's prior role as a witness unless the said witness made binding admissions inconsistent with ownership, elements which we do not find present as stated previously.

We hold that the trial court did not err in granting the motion for substitution because the substituted plaintiff had a vested legal interest in the said property as he is an alleged co-owner of the said property as alleged by the original plaintiff and the deed pleaded into evidence.

We move to the second relevant point raised by the appellant in the bill of exceptions. The appellant has argued that the party claiming title to a property bears the burden of establishing title to the disputed property but that the trial court improperly faulted her for not proving how her grantor acquired title but failed to apply the same scrutiny to the appellee's chain of title.

We agree and uphold the law that the party alleging has the burden of proof to prove its allegation. Civil Procedure Law Rev. Code 1:25.5. We, however, do not see from the records how the appellant's argument that the trial court did not apply scrutiny to the appellee but improperly faulted her stands.

Ejectment is a contest of titles and the party with the superior title has the advantage over the property in dispute. So, we must examine the oral and documentary evidence produced by both parties to make a proper legal decision.

The appellant had claimed ownership of the land through an alleged transfer made to her by her father and siblings who she has argued were the previous holders of the said property. She presented evidence to show that there was even an alleged survey conducted for the said property without any objection from the appellee or anyone. The deed presented in the records by the appellant is a transfer deed from the late Daniel Matthews, Sr., and his children (which includes the appellee) to the appellant and this deed was signed on the 10th day of August 2006, presumably by the late Daniels Matthews, Sr., with the names of the other

grantors handwritten including the current appellee. This deed was probated and registered in 2006.

On the other hand, the appellee is claiming ownership of the land thru a purchase made by his father from one J.M Kolly for him and his brother. The appellee's deed shows that the land was acquired on November 8, 1965, and probated on December 17, 1965.

The appellant has argued that she, through her attorney-in-fact is claiming ownership through a transfer deed given to her by her father and her siblings but upon thorough judicial scrutiny, this assertion immediately crumbles.

Firstly, the deed relied upon by the appellant as her grantor's deed supposedly revealed that the land was owned by her late father and her siblings. Her siblings, particularly James Matthews and Daniel K. Matthes, Jr, have testified that they did not know of any transfer of the said land to the appellant and that they did not sign any deed as witnesses or as grantors.

The land in question was never owned by the appellant's father singlehandedly; therefore, he did not have any authority in law or equity to transfer the said land to the appellant.

The appellee on the other hand provided title deed that was procured and probated in 1965 and was allegedly granted to the original plaintiff and the appellee now who substituted the then plaintiff by one J.M Kolly who initially allegedly obtained ownership through a public land sale deed issued he (J.M. Kolly) by the Republic of Liberia.

This Court has long held that in an action of ejectment, the party who establishes an older and legally valid title from the same grantor must prevail and we take judicial cognizance of the law that "where the contesting parties derive their respective titles from the same grantor, the party with the older deed holds a superior title and is therefore entitled to the property." *Kamara v. The Testate Estate of Isaac K. Essel,* Supreme Court Opinion, March Term 2012; *Subah-Belleh v Oniyama,* Supreme Court Opinion, October Term 2015.

The records certified to this Court shows that both the appellant and the appellee failed to establish valid and superior title in themselves which leaves this Court with no alternative then to denied both parties ownership and put the said land under the Intestate Estate of Daniel K. Matthews, Sr., both appellant and appellee's late father for the benefit of them and all their siblings.

WHERFORE AND IN VIEW OF THE FOREGOING, the ruling of the lower court is reversed, and the land is ordered placed under the Intestate Estate of Daniel K. Matthews, Sr., for the benefit of all his children. The Clerk of this Court is ordered to send a mandate to the judge below commanding him to resume jurisdiction and give effect to this judgment. Costs are disallowed. IT IS HEREBY SO ORDERD.

WHEN THIS CASE WAS CALLED FOR HEARING COUNSELLOR D. ANTHONY MASON APPEARED FOR THE APPELLANT. COUNSELLOR J. BIMA LASSANAH APPEARED FOR THE APPELLEE.

Reversed.