

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

BEFORE HIS HONOR : YAMIE QUIQUI GBEISAY, SRCHIEF 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 HER HONOR : BOAKAI N. KANNEHASSOCIATE JUSTICE

Frank Goll by and thru his attorney-in-fact Ballah)
Kennedy of the City of Brewerville, Montserrado)
County, Liberia..... Appellant)

Versus)

Appeal)

Rosetta Nagbe Jackollie, Prince N. Saye and)
Jacquelline A. Saye of the City of Brewerville)
Montserrado County, LiberiaAppellees)

GROWING OUT OF THE CASE :)

Rosetta Nagbe Jackollie, Prince N. Saye and)
Jacquelline A. Saye of the City of Brewerville)
Montserrado County, Liberia Plaintiffs)

Versus)

Action of Ejectment)

Frank Goll by and thru his attorney-in-fact Ballah)
Kennedy of the City of Brewerville, Montserrado)
County, Liberia..... Defendant)

Heard: November 24, 2025

Delivered: February 12, 2026

MADAM JUSTICE WOLOKOLIE DELIVERED THE OPOINION OF THE COURT

This appeal emanates from the adjudication of an ‘Action of Ejectment’ filed in the Sixth Judicial Circuit Court of Montserrado County, Republic of Liberia. Judgement having been rendered for the appellees, the appellant excepted and appealed to this Honorable Supreme Court for an appellant review.

The facts gathered from the records indicate that the appellees, Rosetta Nagbe Jackollie, Prince N. Saye, and Jacqueline A. Saye, initially filed the ejectment action on March 18, 2022, but withdrew and refiled an amended complaint on April 6, 2022. The appellees assert in their complaint that they are *bona fide* owners of four lots of land, situated in the City of Brewersville, Montserrado County. They claim to have purchased adjoining properties subject of this dispute in January 2014, from Tom N. Gulley. In support of their claim of title, the

plaintiffs trace the history of the property to an 87.5-acre tract originally deeded from Johnny Stevens to E.V. Stevens. They alleged that their grantor, Tom N. Gulley, had acquired a 12.35-acre portion of the Intestate Estate from E.V. Stevens in May 2008, and had sold them four (4) lots therefrom.

The appellees say that the probate court's Decrees of Sale based upon which the property was purchased was mislaid or misplaced and as a result, they annexed to their pleading affidavits of attestation from Judge J. Vinton Holder, Judge of the Probate Court for Montserrado County. They further detailed administrative efforts aimed at perfecting their title, noting that a clerical error regarding the probation date on their grantor's deed was formally corrected by the Monthly and Probate Court for Montserrado County in 2020; and that the said correction, attested to by the resident judge at the time, was intended to resolve a date defect in the chain of title.

The gravamen of the appellees' complaint is that the appellant, Frank Goll, acting through his attorney-in-fact, without color of right or legal permission, encroached upon the portion of the land deeded to Princes N. Saye and Jacqueline A. Saye and went on to demolish a work-in-progress foundation with construction materials valued at US\$750.00 (United States Seven Hundred & Fifty Dollars); that said entry constituted an unlawful trespass and encroachment on the appellees' property which deprived them of the use and enjoyment of their land; that despite several warnings, and a formal survey conducted by the Liberia Land Authority (LLA) in 2020 to validate their boundaries in the presence of various claimants, the appellant Frank Goll remained belligerent and continued construction activities in open defiance of the appellee rights. The appellees therefore sought judgment in the trial court to have the appellant Frank Goll evicted, and praying that the court award appellees Fifty Thousand United States Dollars (\$50,000.00) for the wrongful withholding of the property over the years, in addition to the payment of United States Dollars Seven fifty (US\$750.00), being cost for the construction materials damaged on the site, and to place the appellees back in possession of their lawful property, ruling costs and expenses against the defendant as equity demands.

Frank Goll, through his attorney-in-fact, Ballah Kennedy, filed an answer and subsequently withdrew it and filed an amended answer denying the allegations contained in the appellees' complaint, asserting that the property under litigation is his legitimate property which he acquired through an honorable purchase, and he has remained in compliance with his statutory obligations by the consistent payment of real estate taxes. He annexed to his pleading a deed of his grantor, Matenneh Goll, and a power of attorney authorizing his attorney-in-fact to act on his behalf, in addition to his official real estate tax receipts, collectively marked as Exhibit D/1.

Central to Frank Goll's resistance is the allegation that the appellees' title is a product of fraud, misrepresentation, and deception; that the appellees grantor's deed was "manufactured under the cover of darkness" and contains fatal procedural defects; that the said grantor, Tom N. Gulley, purportedly acquired the property from individuals who were never the lawful administrators of the Intestate Estate of Edwin J. V. Stephen, Sr; and that even if these individuals were administrators, the conveyance remains illegal because it lacks the requisite signatures of all three administrators; that the names appearing on the grantor's deed do not correspond with the names on the Letters of Administration; that the appellees grantor's deed was purportedly probated and registered on May 14, 2008, which was a national holiday on which all government institutions, including the courts and the National Archives could not have legally conducted such business. Frank Goll challenged the "Affidavit of Attestation" executed in 2020 to correct a defect in dates on the appellees grantor's deed, arguing that the probate of a deed by a judge constitutes a judgment of the court and that a sitting Judge cannot legally execute an affidavit to "undo" or justify a prior judicial act; and that such is a manufactured attempt to deceive the court and rectify a deed that was fundamentally flawed from its inception.

The appellees replied to the answer filed by Frank Goll pointing out that the titled instrument he relied on and annexed to his answer belongs to a third party with no standing in the suit, and this was an evidence of deception and fraud; and that even if his deed was considered, it was said to be purchased on June 6, 2008 and was probated and registered June 2012, four years after the purported purchase of the property in 2008; that this was in violation of the legal four-month probate requirement.

Thereafter, on May 2, 2022, one Matenneh Goll filed a motion to intervene, alleging that the appellant Frank Goll was her grantor and had parted with title to the disputed property; that Frank Goll's attorney-in-fact, Kennedy Ballah, could not adequately defend her interest in the property. Along with the motion to intervene filed on May 2, 2022, intervenor, Matenneh Goll, simultaneously filed her intervenor's answer in response to the ejectment complaint. In the said answer, the intervenor asserted a superior claim to the subject property, contending that the land was acquired through a valid purchase from Frank Goll. She attached to her answer a copy of the identical deed attached to the answer of Frank Goll, that is, a deed dated June 6, 2008 from Frank Goll to her (intervenor) with no indication of the lots transferred written therein, but a drawing at the back of the deed with six (6) lots written thereon. She attached another a deed from Jocilia Marshall to Frank Goll again without the number of lots stated therein, dated April 20, 2008, a drawing on the back of the deed indicating and written (3) lots, with the probate date unclear. The motion to intervene was assigned for hearing and with

the plaintiff interposing no objection and same was granted. Thereafter, the trial court proceeded with the disposition of law issues and had the case ruled to trial.

The intervenor says that she remains the lawful owner of the property and that any presence on the land by the Goll's agents was at her expressed request to secure the premises pending the commencement of her development projects. The Court must comment that it sees nowhere in the records where Frank Goll was dropped after the intervention of Matenneh Goll as legally he had no right and interest in the dispute by his alleged transferred of title to the intervenor. We see that the Weah and Associates Law Offices kept on filing papers in the name of Frank Goll with no reference to the intervenor. That even the bill of exceptions filed by the Weah and Associates Law Offices is filed in the name of Frank Goll as the defendant, and the caption of the bill of exceptions reads: "DEFENDANT'S BILL OF EXCEPTIONS". We are even remised that the trial court did not *sua sponte* drop Frank Goll after the motion of the intervenor was granted without an objection from the appellees.

Be what it may, pleadings having rested, disposition of law issues heard, and the matter ruled to trial on July 25, 2022, the appellees brought forth two general witnesses, Rosetta Nagbe Jackollie, Tom Gulley, and two rebuttal witnesses, Pastor Paul Tolbert and Amos Brown. The appellants on the other hand, brought forth three general witnesses, Ballah Kennedy, Matenneh Goll, and Fatu Johnson, and one subpoenaed witness.

The appellees' first witness, Rosetta Nagbe Jackollie, took the witness stand and testified that in 2014, she and the co-appellees Sayes purchased the land from Tom Gulley in February 2014, and registered the deed in April 2014; that they had maintained possession of the said land without any issue for four years following which she was informed that certain individuals were encroaching on the property; upon visiting the site, she found people digging a foundation; she informed them that she and the co-appellees had purchased the property from Mr. Tom Gulley and advised them to cease work until true ownership was established; that when those digging refused to stop, she filed a complaint with the Brewerville Magisterial Court; that despite the court issuing an order to stop the work, they continued, and this led them (appellees) to institute the current proceedings. She stated also that prior to the institution of the proceedings, she contacted Mr. Gulley regarding the encroachment, and he took the complaint to the Liberia Land Authority (LLA) which conducted a survey and found that the 12.35 acres of land of Mr. Tom N. Gurley conformed to the ground location.

The appellees' second witness, Mr. Tom Gulley, took the witness stand and testified that he sold one acre of land to Rosetta Jackollie and Mr. and Mrs. Prince Saye; that he acquired the land from the administrators of the intestate estate of E.V. Stevens, represented by Milfot O.

Stevens and Edwin J.V. Stevens; that before he purchased the land, he was provided with the Letters of Administration and the mother deed for the property; and that in May 2018, or thereabouts, he noticed that people were encroaching on the land, which prompted him to file a complaint with the Liberia Land Authority.

The Liberia Land Authority was subpoenaed to testify to the survey and Mr. Emmanuel Johnson appeared and testified that he conducted the survey between Tom N. Gulley, Fatu Johnson, and others; that the survey verified that the 12.35 acres of land owned by Mr. Tom Gulley were accurately reflected on the ground; and that the Marshall family's land and the property of other claimants did not match the actual ground locations.

Thereafter the appellants took the stand and attorney-in-fact, Ballah Kennedy, who was said to be representing Frank Goll, testified that he and Frank Goll had been childhood friends for a long time; that when Frank Goll decided to buy land, they had a discussion and he (Kennedy) suggested a location in Brewerville where he had previously purchased property; that he suggested to Frank Goll that a lady named Lucia Marshall had land available for sale; that he had conducted due diligence and established that she indeed had land for sale and they proceeded with the purchase, and that Frank Goll initially purchased three lots and later bought an additional three lots, totaling six lots.

The appellants' second witness, Matenneh Goll, testified that she is the mother of Frank Goll; that he purchased the property and gave it to her. She confirmed that she possesses the relevant documents of her claim to the property.

The appellants' 3rd witness, one Fatu Johnson testified that Frank Goll had gone to her mother, Jucelia Marshall, and acquired land from her; that he had first purchased three lots, and later purchased an additional three lots; that after a while, she received a call from the Liberia Land Authority inviting her. But thereafter she was not given any further information as to whether a survey was going to be conducted since the Land Authority did not inform her about it.

The appellants' subpoenaed Mr. Ebenezer A. Borbor, from the National Archives to testify regarding a subpoena to produce the records from Volume 68A. He took the stand and explained that Volume 68A is a "mutilated volume"; that the Archives ensure records are preserved by re-transcribing them into new volumes when a volume is discovered to be mutilated or destroyed; that the original Volume 68A was re-transcribed for preservation, and the original currently stored in cartons that cannot be easily accessed; that he was in possession of Volume 16-12 A, which is a transcribed ledger containing those records. When

asked to identify the grantor and grantees in the documents, he cited a warranty deed from Johnson Stevens to E.V. Stevens for lots 3, 9, 10, and 11 in Brewerville.

Upon further questioning regarding Volume 68A, Page 5628 (the source volume), the witness stated that inventory lists are used to authenticate the existence of volumes; that while the current ledger contains pages 28 and 29, an error was inadvertently made during the transcription process; that page 28 actually records a warranty deed from Lucia Allison and William M. Johnson, and page 29 records a deed from Menasaye S.R. Taylor and Susie Bruges to R.A. Benson. During the examination, he affirmed that the warranty deed from Johnny Stevens to E.V. Stevens exists and is located on page 490.

The appellant having rested with evidence and the appellees having given notice that they would rebut the statement made by Fatu Johnson that she did not know of the survey, Mr. Paul Alex Tolbert, the Assistant Director for Land Disputes at the Liberia Land Authority was subpoenaed, and he appeared to testified. He testified that Mr. Tom Gulley filed a complaint regarding an encroachment on his 12.35 lots; that all involved parties were invited to several meetings and that the investigation spanned two years. He specifically rebutted the testimony of the previous witness, Fatu Johnson, who claimed she was never invited to the investigative survey and asserted that her statement was untrue; that parties are informed via electronic media and that Fatu Johnson was present during the survey; that she (Fatu Johnson) submitted a title deed and signed the attendance list; that while she signed as "Fatu Johnson" on some documents, she signed as "Victoria Doe" on the attendance list; and that Fatu Johnson had misled the court when said she was not invited, as her testimony was recorded during the LLA's two-year investigation.

The appellees second rebuttal witness, Amos Brown, testified that Jocelia Marshall lived in Brewersville City and was known as one of the "land dealers" (selling land illegally) in the City; that on April 21, 2010, Tom Gurley went to the Brewersville Magisterial Court and issued a writ of arrest against her (Jocelia Marshall) on a charge of criminal trespass and she was arrested and sent to jail.

When the parties rested with the production of oral and documentary evidence, the jury deliberated and thereafter returned a unanimous verdict holding the appellants liable. This unanimous verdict was affirmed by the judge. Thereafter, the Weah and Associates Law Offices filed a motion for new trial which was resisted by appellees, and assigned for hearing. The Assigned Judge denied the motion. Proceeding with the final ruling, the Judge upheld the jury's verdict and ruled, ordering the appellant ejected, ousted and dispossessed of the subject property. We incorporate within this Opinion, excerpt of the Judge's ruling below:

“Now, the court says that even though the entire Motion for New Trial goes to challenging the jury for bringing in a verdict contrary to the weight of evidence, however, from a careful examination of the witnesses’ testimonies stated above, the Court has observed that even though the title deed from Jocelia Marshall to co-movant Frank Goll, conveyed three (3) lots of land, however, the said co-movant Frank Goll conveyed six (6) lots of land to co-movant Mateneh Goll without any title to the extra three (3) lots conveyed from him to the said Mateneh Goll. Moreover, though the movants third witness Fatu Johnson testified that co-movant Frank Goll initially purchased three (3) lots of land from her mother Jocelia Marshall and later purchased additional three (3) lots of land from same Jocelia Marshall, and that was why he sold the entire six (6) lots of land to co-movant Mateneh Goll, but the question is, why is it that the said Jocelia Marshall never issued co-movant Frank Goll a deed for the alleged six (6) lots of land, nor did Fatu Johnson testify that her mother issued Frank Goll a deed for the said six lots?

Further, the movants also alleged that the jury verdict is against the weight of the evidence because the said jury gave effect to the survey report submitted by the Liberia Land Authority without the surveyors signing same. Again, the question is, why is it that the movants or the movants’ grantor’s daughters Fatu Johnson and Satta Johnson not file an objection to the said report or object to its admission into evidence?

Further, why is it also that when the respondents accused Co-movant Frank Goll of destroying Co-respondent Rosetta Jackollie’s one (1) bedroom warehouse foundation, the said Frank Goll did not refute this allegation?

Having observed and examined the evidence produced by the parties in this case, the Court is convinced that the plaintiffs did establish their case by preponderance of the evidence, unlike the movants.

This court says that the Honorable Supreme Court of Liberia held in the case: *Liberia Oil Refinery Company vs. Ibrahim Mahmoud*, 21 LLR, Syl. 7, Text @ P. 214, that “In the trial of civil cases, it is the province of the jury to consider the whole volume of testimony, estimate and weigh its value, accept, reject, reconcile, and adjust its conflicting parts, and be controlled in the result by that part of the testimony which it finds to be of greater weight. The jury is the exclusive judge as to what constitutes the preponderance of the evidence. Accordingly, where the jury have reached a conclusion after having given consideration to evidence which is sufficient to support a verdict, the decision should not be disturbed by the *court*.”

WHEREFORE, AND IN VIEW OF WHAT HAS BEEN STATED ABOVE, it is the decision of this Court that the verdict of the trial jury in this case is in accord with the evidence adduced at the trial. As such, the *movants’ motion*, requesting this Court to set aside the unanimous jury verdict and returned the movants, and to award a new trial, is hereby denied and dismissed.

Further, the Court, having affirmed the Jury verdict, it is the Final Judgment of this Court that the Movants are hereby adjudged liable to the plaintiffs. Therefore, the clerk of court is hereby mandated to issue a Writ of Possession and place same in the hands of the Sheriff of Court to have the *movants* immediately ousted and evicted

from Co-Respondents Prince Saye and Jacqueline Saye's Property. The Movants are to also pay the Respondents General Damages in the sum of **US\$35,000.00 (Thirty-Five Thousand United States Dollars)**, as well as Special Damages in the sum of **US\$750.00 (Seven Hundred United States Dollars)** awarded by the jury in keeping with the Jury Verdict. Cost of these proceedings are ruled against the Movants. **AND IT IS HEREBY SO ORDERED."**

The records in this case show gross ineptitude exhibited by the Weah and Associates Law Offices, counsel for the appellants who had Frank Goll continued in the proceedings even after Matenneh Goll intervene and stated that she was the owner of the property as Frank Goll had sold the property to her. We are even perplexed why the presiding judge did not have him dropped as a party. We are also perplexed as to why Rosetta Nagbe Jackollie was joined as plaintiff in the action when the complaint stated that the encroachment by Frank Goll was on the two lots of Prince N. Saye and Jacqueline A. Saye and whose deed was separate and distinct from Rosetta Nagbe Jackollie who only share boundary with Prince N. Saye and Jacqueline A. Saye.

Be what it may, When the Action for Ejectment was filed against Frank Goll as the defendant below, a deed from Frank Goll to Matenneh Goll was attached to his answer. Subsequently during the proceedings, Matenneh Goll filed a motion to intervene along with her answer, stating that Frank Goll had conveyed title of the disputed property to her, and that Goll's attorney-in-fact, Kennedy Ballah, could not adequately defend her interest in the property. Her motion to intervene and her answer was also filed by the Weah and Associates Law Offices who had initially filed the answer on behalf of Frank Goll. The Law Office attached two deeds to the intervenor's answer, that is, a deed from Jocelia Marshall to Frank Goll, and another from Frank Goll to the intervenor, Matenneh Goll. The Law Offices however continued to file all subsequent papers in the name of Frank Goll who as per law was no longer a party of interest in the case, as his interest in the subject property had been transferred to the intervenor and therefore extinguished. Even the bill of exceptions to this Court assigning error to the judge's ruling filed by the Law Offices only named Frank Goll as the appellant. And no way is there any evidence that the intervenor noted exception to the judge's ruling and is on appeal before this court. The question asked by this Court then is, if it were to give judgement from the bill of exceptions would it be on the claim of Frank Goll who has no title in the property?

Considering the facts and circumstances of this case, the issue is whether the appellees prove their claim to the disputed property?

At trial, the appellees proffered a deed for four lots of land granted to them by Tom N. Gurley. In support of their claim of title, the plaintiffs trace the history of the property to an 87.5-acre tract originally deeded from Johnny Stevens to E.V. Stevens. They alleged that their grantor, Tom N. Gulley, had acquired 12.35 acres, portion of the Intestate Estate from E.V. Stevens in May 2008, and had sold them four (4) lots therefrom. Mr. Ebenezer A. Borbor, from the National Archives based on a subpoena to appear and testify, he appeared and testified he was in possession of Volume 16-12 A, which is a transcribed ledger containing the records of the area contested. When asked to identify the grantor and grantees deeds in the documents, he cited a warranty deed from Johnson Stevens to E.V. Stevens for lots 3, 9, 10, and 11 in Brewerville. He affirmed that the warranty deed from Johnny Stevens to E.V. Stevens exists and is located on page 490.

Ballah Kennedy, who is said to have lived on the property with the consent and approval of Matenneh, testified only as to the ownership of Frank Goll and his testimony was completely unrelated to any claim of ownership by Matenneh. Throughout the trial, we see that Matenneh's claim to the property was only asserted through her deed proffered and her testimony that remained uncorroborated by other testimonies. Our review of her title deed and her grantor Frank Goll's title deed, like the trial court judge stated in her ruling, shows a lot of discrepancies. The deed dated June 6, 2008 from Frank Goll to her (intervenor) with no indication of the lots transferred written therein, states that six (6) lots were transferred to her; that the deed from Jocilia Marshall to Frank Goll, dated April 20, 2008, is again without the number of lots transferred stated therein but indicates on the diagram at the back three (3) lots, with the probate date unclear. Like the Judge asked how could Goll have sold to the intervenor six lots when his deed proffered showed only three lots. Amos Brown, testified that Jocelia Marshall lived in Brewersville City and was known as one of the "land dealers" (selling land illegally) in the City.

Mr. Emmanuel Johnson appeared and testified that he conducted the survey between Tom N. Gulley, Fatu Johnson, and others; that the survey verified that the 12.35 acres of land owned by Mr. Tom Gulley were accurately reflected on the ground; and that the Marshall family's land and the property of other claimants did not match the actual ground locations.

This Court has consistently held that a plaintiff in an ejectment action must recover on the strength of his own title in trial of ejectment cases and that it is the province of the jury to consider the whole volume of testimony, estimate and weigh its value, accept, reject, reconcile, and adjust its conflicting parts, and be controlled in the result by that part of the testimony which it finds to be of greater weight. Also, the jury is the exclusive judge as to what constitutes the preponderance of the evidence - Liberia Oil Refinery Company v.

Ibrahim Mahmoud, 21 LLR 201, 214, (1972); St. Stephen v, Gbezee, Supreme Court Opinion, March Term 2013; Benson v. Sawyer, Supreme Court Opinion, October Term 2015

This Court has shown great reluctance in disturbing the verdict of the jury except where the verdict seems to be manifestly against the weight of the evidence, or demonstrates that an abuse was committed, or that the jury was tampered with. *Barclay v Digen* 39 LLR 774, 784 (1999); *International Trust Company of Liberia v Sandy* 32 LLR, 338 (1984); *American Life Insurance Company v Sandy* 32 LLR 338, 355 (1984). In this case, we do not see any such reasons to disturb the verdict of the jury. Therefore, this Court's confirms the ruling of the trial court.

WHEREFORE AND IN VIEW OF THE FOREGOING, the final ruling of the trial court is affirmed in its entirety. The Clerk of this Court is ordered to send a Mandate to the lower court to resume jurisdiction over the case and give effect to the Judgment of this Opinion. AND IT IS HEREBY SO ORDERED.

WHEN THIS CASE WAS CALLED FOR HEARING, COUNSELLOR TOMMY N. DOUGBA OF THE WEAH AND ASSOCIATES LAW OFFICES APPEARED FOR THE APPELLANT. COUNSELLORS MILTON D. TAYLOR AND GUZEH K. ZUBAH OF THE LAW OFFICES OF TAYLOR & ASSOCIATES, INC. APPEARED FOR THE APPELLEE.