

IN THE HONORABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA,  
SITTING IN ITS MARCH TERM, A.D. 2026

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

The Purported Living Bread Pentecostal Ministry )  
by & thru its Self-Style Pastor Mango and her )  
brother Mac Noah and also of the City of )  
Monrovia.....Appellant )  
Versus ) APPEAL  
Living Bread Pentecostal Church Ministry by )  
& thru its Pastor General Overseer in person )  
Pastor Timothy Atachie of the City of )  
Paynesville.....Appellee )

GROWING OUT THE CASE:

Living Bread Pentecostal Church Ministry by )  
& thru its Pastor General Overseer in person )  
Pastor Timothy Atachie of the City of )  
Paynesville.....Petitioner )  
Versus ) PETITION FOR DECLARATORY  
JUDGMENT  
The Purported Living Bread Pentecostal Ministry )  
by & thru its Self-Style Pastor Mango And her )  
brother Mac Noah and also of the City of )  
Monrovia.....Respondent )

HEARD: March 26, 2026

DECIDED: May 21, 2026

MADAM JUSTICE CLINTON-JOHNSON DELIVERED THE OPINION OF THE COURT

This appeal emanates from a ruling of the Sixth Judicial Circuit, Civil Law Court for Montserrado County, rendered on May 10, A.D. 2022, in a petition for declaratory judgment filed on February 2, 2022, by the appellee, the Living Bread Pentecostal Church Ministry by & thru its pastor and general overseer, Pastor Timothy Atachie against the appellant, the Purported Living Bread Pentecostal Ministry by & thru Pastor Mango and her brother Mac Noah.

The appellee, in its petition, requested the trial court to declare its right to the ownership of its own premises against all claimants including but not limited to the appellant; that the

Living Bread Pentecostal Church Ministry was singlehandedly formed and organized by its sole founder, the late Bishop Ben K. Atachie who served as pastor, general overseer, and incorporator; that members of the board of directors of the Living Bread Pentecostal Church Ministry authorized Pastor Timothy Atachie to institute these proceedings against the appellant, Purported Living Bread Pentecostal Church for the declaration of its rights to build the church; that on July 10, 1995, the late Bishop Ben K. Atachie negotiated with Mother Mai Barclay Roberts and sister, Mrs. Elizabeth Barclay Cooper for the purchase of two point nine (2.9) acres of land in Paynesville; that without any challenge, for over twenty (20) unbroken years, the appellee was singlehandedly administered by the late Bishop Ben K. Atachie and he made decisions without board resolutions, that is to say, the purchase of the land, the establishment of affiliation with Darwin Christian Ministries, Inc. in Australia, the making of stewardship with Pastor Merv Westbrook of Australia, etc.; that the appellant in a desperate attempt to deprive the appellee of its church facility, falsified title instrument and pleaded it; hence pray to grant the petition for declaratory judgment.

In its response to the appellee's petition for declaratory judgment, the appellant filed its returns along with a motion to dismiss and averred that the entire petition is not supported by the law controlling; that the Living Bread Pentecostal Church is a faith-based corporation organized under the Associations Law of Liberia; that Timothy K. Atachie is not a member of the Living Bread Pentecostal Church Ministry and is without the capacity to institute any suit against appellant; that the petition should be dismissed and set-aside; that the late Bishop Ben K. Atachie, been the only signatory to the church's Articles of Incorporation does not in any way make him an exclusive owner of the church; that the Associations Law of Liberia governing the formation of a not-for-profit corporation in Liberia, provides that a not-for-profit corporation may be formed by three or more persons; that the late Rev. Ben K. Atachie was a co-founder, alongside Nora N. Mangou as Missionary, Assistant Pastor Hope K. Agbeko as administrator, who were initial board members and officers in the church; that Timothy K. Atachie has never been a member of the Living Bread Pentecostal Church Ministry, but rather is the owner of the Trinity Apostolic Church; that it is without knowledge and information that the board's resolution authorized the appellee to institute this suit; that at no time did the late Rev. Ben K. Atachie negotiate for the purchase of any 2.9 lots of land with Mother Mai Barclay Roberts and her sister Elizabeth; that the Living Bread Pentecostal Church purchased 6.42 lots from Mai Roberts and Elizabeth Barclay and a warranty deed was issued; that the decision-making in the church was done by a vote of majority members present in a special regular meeting; and that the Living Bread Pentecostal Church Ministry is an association of believers who incorporated themselves under the leadership of its

founder and spiritual head, the late Rev. Ben K. Atachie. The appellant prayed this Court to deny and dismiss the appellee's petition for declaratory judgment.

The certified records before this Court reveal that the motion to dismiss the appellee's petition was resisted, heard and denied by the trial court and the trial for the petition for declaratory judgment was ordered proceeded with. During the trial, the contending parties presented both oral and documentary pieces of evidence in support of their respective sides, and the trial court ruled in favor the appellee, which we quote verbatim:

"This case is about two, separate and distinct churches and they are: The Living Bread Pentecostal Church and The Purported Living Bread Pentecostal Church. The former is headed by Pastor Timothy Atachie whose father was the then founder, pastor and general Overseer. The latter is headed by Mother Nora Monque who was named as the missionary in the church now headed by Pastor Timothy Atachie. The records show that the Petitioner's church has its own board of directors headed by Pastor Timothy Atachie, while the Respondent's church has its own board of directors headed by Mack Noah. The Petitioner believes that its rights to own and preside over the Church which include the Church and its Associated Ministries filed the Petition for Declaratory Judgment to declare its rights as it relates to the church as a whole and its associated ministries. The Respondent counters Petitioner's Petition by filing Returns.

The Petitioner, in substantiating its claims, paraded a total of six (6) witnesses: two regular witnesses, two subpoena witnesses and two rebuttal witnesses and substantially stated as follows:

Petitioner's first witness was Pastor Timothy Atachie. This witness testified to the effect that he is the successor to his late father in person of Ben Atachie, founder, pastor and general overseer of the Living Bread Pentecostal Church. This witness further told court that his father named him his successor as the Pastor and General Overseer for the Petitioner's Church. Pastor Atachie further told court that the Respondents that are claiming the Church were initially board members that were subject to change and were subsequently changed. Pastor Timothy Atachie further testified that the only founding instrument is the Articles of Incorporation in which Pastor Ben K. Atachie is the Founder, Pastor and General Overseer.

The witness further told the Court that the sole Founder of the Church was Pastor Ben K. Atachie who is the sole Incorporator and it is legally registered in 1993 and the Church is located in Wood Camp Paynesville City. The witness told the Court that his father was a career carpenter but later he was involved in diamond mining and finally due to God's intervention, he decided to receive God's face by fasting and praying and received the name of the Church called Living Bread Pentecostal Church. The witness further told the Court that Pastor Ben K. Atachie started fellowshiping in the house and later pleaded with Mother Mai Roberts, and later asked she Mother Mai Roberts and her sister Elizabeth Barclay Cooper if he pastor Ben K. Atachie, could purchase the land for the Ministry along with the zinc factory.

And finally they agreed on the initial price of US\$63,000.00 but later upon negotiation, US\$10,000.00 was dropped. The witness also informed court that an advance payment of US\$1,800.00 was paid. Later Pastor Ben K. Atachie paid US\$40,000.00. The witness further told the Court that he instituted the Action based on Board Resolution and this money was paid through Pastor Merv Westbrook of Australia of Dawin Ministry. It was Pastor Merv Westbrook that sent the money to purchase the land where the Church is currently situated in Wood Camp, Paynesville. The witness also told the Court that the money for the hospital and the Church was paid by Pastor

Hoy Westbrook and he (Pastor Ben K. Atachie) even submitted his stewardship report. The witness further told the Court that when his father died, it was Pastor Hope Agbeku who wrote in his own penmanship the life sketch of the late Pastor Ben K. Atachie and his life sketch was read by Roland Atachie, one of the children of the deceased, Ben K. Atachie.

The witness further told court that the Respondent through their legal counsel, Gonglo & Associates Law Firm, instituted an action of Criminal Mischief against the Petitioner and Magistrate Saygar ordered a halt of activities on the premises. The witness testified to cash payment receipt of US\$40,000.00 for the land and he was cross-examined and thereafter discharged. Petitioner's second witness in person of Daniel Astman Liberty, Sr. testified to the effect that he is self-employed and pastor for New Life Christ Ministry and runs a school where he teaches. He further told the Court that he is acquainted with the Church and got Connected with Petitioner's Church and became part of Petitioner's Ministry through the Founder, the late Ben K. Atachie through organization called 'God's End Times Navigator' and has served same in the capacity as Vice President from 1998 until the death of Bishop Ben K. Atachie. The witness told the Court that "I'm aware; I have certain knowledge on it, The Church is located in the Red Light environment not too far from Ma Kebbeh's gas station in a fence. The Church has school and academic school. It's right between Ma Kebbeh's and Mr. Hage's store. The old man also serve as a spiritual father to me and most of the time he shared some things with me. Even when they were building the store, I brought the working people from my church and they did the construction of the store. I was involved; the secretary came from my church and the driver also came from my church. I was always Supplying people that he needed. So when it comes to the acquisition of the place, that happened before I got close to him, but he always confided in me and explained the story among us generally of how he got the place. In fact, when he went to Ma Mai Roberts to purchase the place, Ma Mai Roberts had two other groups that went for the same place (the Catholic Church and the Muslim Organization) and Pastor Ben was among the group that went there. Ma Mai Roberts said let me pray about it and I will decide who to give the place to. So that's how they left, but he said he was embarrassed because at that time, he did not really have the full capacity to acquire the place. So after the prayer, Ma Mai Roberts called him and told him that the place is given to you. So this is the amount that you are to pay and from what the old man told me, it was somewhere around \$63,000.00.

That was the old area and Matthew Roberts started to cut portion of the land. That's how the Lutheran got a portion from there and Ma Kebbeh got a portion from there which made the old man to decide and later on he told me the woman took \$10,000.00 from the amount and later they settled at \$43,000.00 and that was how he told me that they paid that money; but how he paid it, I don't really know except for the man I know that was sponsoring him, who is Pastor Merv. I got phone here with me that the old man gave me that there were Some transactions that took place. When he gave me the phone and he told me it does not matter, I trust you. So that's how I've been having the phone with some money and phone that Pastor Mell [Merv sent". The witness told the Court that Pastor Merv came to Liberia and had meeting with them on Petitioner's Compound and later went back to Australia and Pastor Ben K. Atachie followed up with him. This Witness, Mr. Liberty, further told the Court that Pastor Mery confirmed that Ben Atachie told him that his son Timothy Atachie will be his successor. Witness Pastor Liberty told the Court that he know pastor Flomo but had long left the Church when he and Pastor Ben Atachie had confrontation, but he is not aware whether he and the late Pastor Atachie ever went to church. This witness further testified as follows: "that he only knew Mark Noah when he went to visit the Late Pastor Ben Atachie at his house and Mark Noah knows nothing about the creation of the Church and that the only thing the Church knows is a relative to pastor Nora Manguo. This witness further testified that, that was how the Church came to being ,but where they started their Worship from, I don't know, but what I do know is that certain group did not go with the group that went under Bishop Ben; they went and opened Salem further down opposite Emmanuel, ,Baptist. That was how this Living Bread started with Bishop Ben Atachie as The owner, but Pastor Nora or Pastor Hope to this Ministry, I only know from what I saw that they came in to help and that was now this whole advisory board started. Pastor Nora Manguo came in as a missionary, Pastor Hope was known to be the Administrator and Pastor Nora was known to be the Resident Pastor of the Living Bread Ministry. As far as I'm concerned that is what I know". The witness was cross-examined and discharged. Petitioner's Third and Subpoena witness was Mr. Edwin Boima, Sr. testified to the effect that he is employed with the government of Liberia as Clerk of the Monthly & Probate Court, Temple of Justice, Judiciary, and Monrovia. This witness produced Amended Returns and the Resistance to the Motion to Strike growing out of the case 'Petition for Proper Accounting' and he produced the subpoena documents which were the Respondent's Amended Returns. Petitioner's Fourth Subpoena Witness in person of Nah J. Wolloh testified to the effect that he is employed with the Judicial Branch of Government and he is the Clerk of the Civil Law Court 'B' who produced and testified to the Petitioners' Petition for Cancellation of Deed. The witness was cross-examined and discharge on the other hand, Respondent's Church filed their Returns countering all of the claims asserted in the Petitioner's Petition and paraded two regular witnesses and one subpoena witness. Respondent's first general/factual witness was pastor Hope Agbeko who testified to the effect that he is administrator of the Church with duties that put records together both financial and physical records. Witness Agbeko further told Court that the Church has a constitution and there is a clause in the Article pointing to the Constitution and told court the none of the Board Members is part of the Respondent's Church, and that they did not sell

land to any member of the Church including him or any clergy member neither did it sell property to Ben Atachie. Witness Agbeko further told Court that Pastor Merv Westbrook has nothing to do with the Church and he was not the sole donor of the Church but he was a personal friend to Pastor Ben Atachie. Witness Hope Adbeko further narrated a long history of the Church to the effect that the Church originated from Saloon Pentecostal Church whose founder was Rev. Alphanso Ebou who went back home to Togo based on confusion. Rev. Alphanso Ebou told him (Hope Adbeko) to take over but he declined and recommended Pastor Ben Atachie and Rev. Alphanso accepted Ben Atachie to the extent he attended his graduation, Pastor Atachie told court that Pastor Timothy was not a member of the Church but rather Rev. Atachie's eldest son. This witness further confirmed that Pastor Ben's Atachie was the Founder of the Petitioner's Church. Witness Hope Adgbeko told the Court that he got to know Trinity Apostolic Church during the funeral of Ben Atachie. He told court that he does not know about any Successorship of Ben Atachie, and that members of congregation are called the church. The witness was cross examined and discharged. Respondent's Church Second Witness in person of Teddy Hallie testified to the effect that he is the General Secretary to the Church and further testified that Pastor Timothy Atachie was never member of the Church and has never been a member of the Church, and Timothy also told the Church that he is a member of Apostolic Church and told him that he needed his help to establish his church. Witness Hallie also told the Court that during the funeral of the Church Trinity Apostolic Church paid a tribute introducing Pastor Timothy Atachie as let's pastor. Witness Halle told the Court that Pastor Timothy Atachie was on the Mother's Day Program as Pastor of Apostolic Church. Witness Halle told this Court that offerings and tithes were used to pay for the Church premises and those amounts were given to Mother Elizabeth Barclay Cooper as initial payments against the US\$53,000.00 and the Church was able to raise US\$13,000.00.

The Witness further testified to the effect that the Church has a constitution and by laws and the Church does not have affiliate members, He also told the Court that the Church does not sell land to members and were surprise to see that fake deed from Respondent's Church to Pastor Ben Atachie and Timothy and his mother took the Church to Paynesville Magisterial Court, Witness Hallo further testified to the effect that it was Timothy that was vandalizing the Church and showed program to that although said appointment is not evidence before this Court. It is worthy to note that the court is a court of record hence, a witness for Respondent testified that the Church took loan to build the church and that the Church is paying the loan. Contrarily, the Respondent failed, neglected to annex any receipt from the bank showing payment of the loan Respondent produced no evidence or any payment made by them against the loan.

The Court says that it is a clear parity of reasoning that this Court finds it difficult to believe the assertion of Respondents. Respondent admitted that Bishop Ben is the sole founder, general overseer and lone incorporator of the Living Bread Pentecostal Church. therefore, this Court wonders how this Church as a church for all, has failed to show how they financed the construction of the Church and other properties erected on the subject property. Accordingly, Respondents are estopped from

questioning the legality of the Articles of Incorporation and same now stands as the single most legal document for Petitioner's Church.

Issue NO. Two (2), Whether or not the payment of the Church facility/compound was solely done by Respondent's Church Members in the absence of documentary evidence to substantiate same? It is worthy to note that Respondent has two certified copies that are self-contradictory. One title instrument that was pleaded by the Respondent's Church in the Petition for Cancellation of Deed due to Fraud filed at the Civil Law Court, 6th Judicial Circuit, Montserrado says that it bought the subject premises from Abraham C. Jackson but the selfsame title instrument was signed by Mother Mai Barclay Roberts and Elizabeth Barclay Cooper and Respondent pleaded the same Abraham Jackson as its grantor in filing its Amended Returns at the Monthly and Probate Court for Montserrado. However, in filing Returns at the Court in the Petition for Declaratory Judgment, its grantor is not Abraham C. Jackson but rather Mother Mai Barclay Roberts and Elizabeth Barclay Cooper and didn't subpoena anyone from National Archives, Records and Documentation to explain why led to these variances in the grantors' Deeds. Moreover, Respondent alleged that it paid loan and issued the deed as collateral to Ecobank; this Court wonders why Respondent did not subpoena Ecobank to substantiate the loan claim and to produce the deed that was used to be offered as collateral for the payment of Loan and no single document for the repayment of loan such as return checks (if any) or receipts evidencing payment except the single loan documents. This Court takes due note of the contention of Respondent that payments of loan were made by church members through dues and fund raising and tithes. No tithes book was in evidence, No dues books were in evidence before this Court. No fund-raising rally report, no members listing of the Church was proffered in evidence. In the absence of all of these relevant and material documents, single loan document is insufficient on its face. On the Contrary, Petitioner proffered into evidence that payment of United States Dollar Forty Thousand (US\$40,000.00) in the name of Ben Atachie of the Living Bread Pentecostal Church. And another receipt of United States Dollars One Thousand eight hundred (US\$1,800.00) and a deed from Mother Mai Barclay Roberts and Elizabeth Barclay Cooper, And Pastor Merv Westbrook confirmed in his letter to the Church he purchased the premises through the help of his ministry, Darwin Ministries and other funds were sent for the hospital project. Whether few initial members of the Board of Directors appointed by the Founder. Pastor, and General Overseer Ben Atachie can claim ownership to the Church and excluded a designated successor of Petitioner's Church in person of Pastor Timothy Atachie? To this question, this Court says that the duties and responsibilities of board of directors are to assist the presiding pastor, Founder and General Overseer of this Church. Board of directors are normally appointed or elected. The initial board members were appointed by Ben K. Atachie Without any elections and if there were elections, records must have been provided to substantiate same. Some of these board members effect. Witness Hallie told the Court that under instruction from the Administrator of the Church, he wrote Pastor Merv about his passing of Pastor Ben Atachie death and also confirmed that Pastor Daniel Liberty is not an affiliate member of the Church and there is no provision in the by-laws and constitution that

provides for affiliate membership. Witness Hallie also told this Court that he Knows Pastor Flomo when he got annoyed with Pastor Atachie who refused to account for tithes, offering, and other funds that were generated by the Church. During the direct examination question as to whether the Church has changed its pastor, witness Hallie testified also to the effect that there was a dispute in Salem Pentecostal Church and Pastor Alphonso broke away and started the worship service on the porch but as membership grew, Ma Sonnie Jallah gave them a place for worship and later questioned pastor Hope Agbeko to take over but Hope was in another Church but also a friend to Pastor Ben Atachie to Rev. Alphonso who was also In another Church, Sinkor A.G. Church. And Pastor Ben became caretaker pastor and he also testified that the hospital is incomplete and the hospital has not be given any name. Witness Hallie testified and maintained that the Church has no sole financier and pastor Merv only the Contributed US\$2,000.00 and Witness Hallie further told the Court that the late Pastor Ben Atachie was criminal, corrupt and exploitative, He was Cross examined and discharged with thanks. Respondent's third and final and subpoena witness was Mr. Samson M. Doe, Registrar, Liberia Business Registry, and Republic of Liberia who was subpoena to produce the Articles of Incorporation for Trinity Apostolic Church. The Witness testified to the effect that he conducted detailed research into the archives of the Liberia Business Registry the records subpoena that the Articles of Incorporation of Trinity Apostolic Church does not exist. Cross examination was waived and witness was discharged with thanks.

#### ISSUES:

There are five (5) Issues that are determinative of this case Include: Whether or not Articles of Incorporation confirmed by both Petitioner and Respondent Is the sing most superior legal document establishing founding of the church?

Whether or not the payment of the Church facility/compound was solely done by Respondent's Church Members in the absence of documentary evidence to substantiate same?

Whether few initial Board of Directors appointed by the Founder, Pastor, and General Overseer Ben Atachie can claim ownership to the church and exclude a designated successor of Petitioner's Church in person of Pastor Timothy K. Atachle?

Whether or not Respondent's Constitution and by-laws as guiding instrument that defines Pastoral successor-ship is legally valid and tenable under our laws?

The fifth issue is whether or not Petition for Declaratory Judgment is the right form of action to determine Petitioner's and Respondent's rights as to the ownership of 6.42 lots of land lying and situated in Wood Camp, Paynesville, Red Light? The court shall address these in the order in which they appear.

Issue NO. One (1) whether or not Articles of Incorporation confirmed by both Petitioner and Respondent is the single most superior legal document establishing the founding of the church? The answer to this question is in the affirmative. The Articles of Incorporation speaks clearly of the beginning and founding of the Church

which is one man who has envisaged the vision for the forming of Petitioner's Church in person of Pastor Ben K. Atachie. In the Article under reference provides as follows:

1. The Incorporator is Ben Atachie, Founder, Pastor, and General Overseer. 2. The Resident Agent of the Corporation is Ben Atachie, Founder, Pastor, and General Overseer. The Chairman of the initial Board of Director is Ben Atachie, Founder, Pastor, and General Overseer. The name of the Founder is Ben Atachie, founder Pastor, and General overseer. It was Pastor Ben Atachie that appointed initial board members of the Church without any objection from any of its members. Few initial board members such Pastor Nora Mongue, Hope Adgbeko and few others were fully cognizant of the founding Document of the Church in which Pastor Ben Atachie is the founder. During cross-examination, the following question was posed to witness Hope Agbeko 1.Q. Mr. Witness, You told this Court that Pastor Ben Atachie is a Founder? witness Agdeko answered I confirmed that.'
2. 'Q. You told the Court that the Article was not amended. Do you confirm that? Witnessed answered 'I confirmed that.'
3. 'Q. since the Articles of incorporation you saw several times and you saw that your country man from Ghana wrote the article, the article provides that Ben Atachte is the founder, overseer why didn't you challenge the article rather he placed you on the same article as initial Board member? The Answer is there are three things stated under that particular, pastor, General overseer and founder and the third one is Founder is Considered by the Republic of Liberia which says no one person find or found an NGO and NGO is not-for-profit making organization so the church is a religious body' Section 21.1 of the Associations law entitled Incorporators; purpose of Corporation provides that 'a not-for-profit corporation may be formed by three or more persons for any lawful purposes which do not contemplate the distribution of gains, profit, or dividends to members thereof and for which individuals lawfully may associate themselves such as religion, patriotic professional, scientific, charitable, social, education, athletic or cultural purposes, or for rendering services, subject to laws applicable for particular classes of non for profit corporation or line of activity. Pastor Hope Adgbeko knew about proviso of the law as in which he referenced in his testimony and lives with that defect of the Article of Incorporation for almost one sore and half without posting any challenge. Can he now come to challenge same? Another Respondent's witness in person of Teddy Halie responded to cross-examination question as follows: 'Pastor Ben with a corrupt mind perceived that once he alone signed as an incorporator, therefore the entity will be his. It was against that backdrop that he signed as the lone incorporator impeccable answer is no. Section 5.4 (1) of the Association Law of Liberia under the caption: QUALITY OF CONSIDERATION for the issuance of shares shall consist of money or other property, tangible or intangible, or labor or services actually received by or performed for the corporation or for its benefit or in its formation or reorganization, or a combination of both. The founder, Pastor and Overseer did offer any share to a member, he got the money from his friend and build this church, after 27 years or so others are now saying that he was Corrupt and criminal as Such his designated son

cannot succeed him. Similarly, our law provides that one cannot lease his or her property for more than twenty (20) years but if the lessor leases his premises for seventy-five (75) years and receives benefit therefrom, said lessor cannot come back and contest the legality of the lease agreement he executed with the lessee. It is worthy that Mr. Teddy testified to the effect that it was Petitioner founder Ben Atachie without any election he Teddy Hallie to serve as General Secretary for the Church, although said appointment is not evidence before this Court. It is worthy to note that the court is a court of record, hence, the witness for Respondent testified that the Church took loan to build the church and that the Church is paying the loan. Contrarily, the Respondent failed, neglected to annex any receipt from the bank showing payment of the loan Respondent produced no evidence or any payment made by them against the loan. This Court says that it is a clear parity of reasoning that this Court finds it difficult to believe the assertion of Respondents. Respondent admitted that Bishop Ben is the sole founder, general overseer and lone incorporator of the Living Bread Pentecostal Church. Therefore, this Court wonders how this Church as a church for all, has failed to show how they financed the construction of the Church and other properties erected on the subject property. Accordingly, Respondents are estopped from questioning the legality of the Articles of Incorporation and same now stands as the single most legal document for Petitioner's Church.

Issue NO. Two (2), Whether or not the payment of the Church facility/compound was solely done by Respondent's Church Members in the absence of documentary evidence to substantiate same? It is worthy to note that Respondent has two certified copies that are self-contradictory. One title instrument that was pleaded by the Respondent's Church in the Petition for Cancellation of Deed due to Fraud filed at the Civil Law Court, 6th Judicial Circuit, Montserrado says that it bought the subject premises from Abraham C. Jackson but the selfsame title instrument was signed by Mother Mai Barclay Roberts and Elizabeth Barclay Cooper and Respondent pleaded the same Abraham Jackson as its grantor in filing its Amended Returns at the Monthly and Probate Court for Montserrado. However, in filing Returns at the Court in the Petition for Declaratory Judgment, its grantor is not Abraham C. Jackson but rather Mother Mai Barclay Roberts and Elizabeth Barclay Cooper and didn't subpoena anyone from National Archives, Records and Documentation to explain why led to these variances in the grantors' Deeds. Moreover, Respondent alleged that it paid loan and issued the deed as collateral to Ecobank; this Court wonders why Respondent did not subpoena Ecobank to substantiate the loan claim and to produce the deed that was used to be offered as collateral for the payment of Loan and no single document for the repayment of loan such as return checks (if any) or receipts evidencing payment except the single loan documents. This Court takes due note of the contention of Respondent that payments of loan were made by church members through dues and fund raising and tithes. No tithes book was in evidence, No dues books were in evidence before this Court.

No fund-raising rally report, no members listing of the Church was proffered in evidence. In the absence of all of these relevant and material documents, single loan document is insufficient on its face. On the Contrary, Petitioner proffered into

evidence that payment of United States Dollars Forty Thousand (US\$40,000.00) in the name of Ben Atachie of the Living Bread Pentecostal Church. And another receipt of United States Dollars One Thousand eight-hundred (US\$1,800.00) and a deed from Mother Mai Barclay Roberts and Elizabeth Barclay Cooper, And Pastor Merv Westbrook confirmed in his letter to the Church he purchased the premises through the help of his ministry, Darwin Ministries and other funds were sent for the hospital project. Whether few initial members of the Board of Directors appointed by the Founder, Pastor, and General Overseer Ben Atachie can claim ownership to the Church and excluded a designated successor of Petitioner's Church in person of Pastor Timothy Atachie? To this question, this Court says that the duties and responsibilities of board of directors are to assist the presiding pastor, Founder and General Overseer of this Church. Board of directors are normally appointed or elected. The initial board members were appointed by Ben K. Atachie Without any elections and if there were elections. Records must have been provided to substantiate same. Some of these board members were changed by Pastor Ben K. Atachie while others remained as board members as his elections. Board members are not owners of any entity except in the event founder, and/or co-founders are also named as members of the board of directors. In that case board members play dual capacities: owners and members of the board. But in the instant case, Pastor Ben K. Atachie was the sole owner and appointed Nora Mongue as member of the Board/missionary, and also appointed Hope Abegko as member of the Board and also Administrator. Those appointments were subject to changes at the will and pleasure of the General Overseer, founder and Pastor Ben K. Atachie. Whether or not Respondent's Constitution and By-laws as guiding instrument that defines Pastoral successor-ship is legally valid and tenable under our laws? The answer to this question is in the negative. The Petitioner has maintained that its church founded by Ben K. Atachie in 1993 has no constitution and it was in his sole power that he had appointed the initial board members and also in his sole power that he appointed other functionaries of his church. Refuting Petitioner's claim, Respondent testified to the constitution and same was marked by court and admitted into evidence.

The constitution had no drafters, has no signatories, had no day and date. The unanswered questions are when did the constitution come into being? When was it endorsed by the members? An instrument that had no date had the following possibilities: it either predates the existence, postdates of an entity and intra date of the existence. Respondent presented conflicting title instruments, one certified copy bearing Abraham C. Jackson but signed by Mai Barclay Roberts in both the Petition, for Cancellation of title deed due to fraud and Respondent's Amended Returns in the petition for Proper Accounting at the Monthly & Probate Court, Montserrado County are declared legal nullity for want of authentication, and the Constitution proffered by Respondent, same without day and date is the product of ambiguity and flatness and same is declared a legal nullity and the Articles of Incorporation are also hereby declared the only legal instrument substantiating and verifying the creation of Petitioner's Church and costs of these proceedings are hereby ruled against the Respondent. Because of these fundamental defects, it is the holding of this court that

the instrument presented by the Respondent is a total futility and would not be given any judicial cognizance as a constitution for the Church. Therefore, this Court hereby recognizes the succession plan envisaged and pronounced by Ben K. Atachie, Pastor, founder and General Overseer. The fifth issue is whether or not Petition for Declaratory Judgment is the right form of action to determine Petitioner's and Respondent's rights as to the ownership of 6.42 lots of land lying and situated in Wood Camp, Paynesville, Red Light. The answer to this question is in the affirmative. The Petitioner would not have ascertained his rights by action of ejectment which could amount to title fight. But in the instant case, the Petitioner is asking the Court to declare its rights with respect to 6.42 lots of land that was acquired by pastor Ben K. Atachie, pastor, Founder and General Overseer and the acquisition was done through the generosity of his best friend, Pastor Merv Westbrook of the Darwin Ministries in Australia. One does not have to be legal scholar to formulate the correct theory as to why a declaratory judgment was sought by the appellee and not an action of ejectment. In an action of ejectment, plaintiff must recover upon the strength of his own title and not on the weakness of his adversary. Salami Brothers versus 15LLr 32, 39 (1962) Cooper versus Copper-King v. Copper- Scott, 15LL309,404 (1963) In an action of ejectment, the essential issues is not ties of blood but title. The petition for declaratory judgment is to determine rights of Petitioner with respect to 6.42 lots of land lying and situation in Paynesville Red light, Wood Camp. Therefore, and given the totality and circumstance of this case, as well as the evidence proffered by both parties, it is the holding of this Court that Petitioner is the rightful owner and holder of 6.42 lots of land lying and situated in Wood Camp, Paynesville, which harbors Petitioner's church, the Living Bread Pentecostal Church. The founder headed the church for 27 years no one ever raised the issue that he was corrupt, no one ever challenged him that the church was not his. The orthodox churches and the Pentecostal churches are not one and the same, the former are found by several individuals and as the later are found by a single individual as owner., For example the Emmanuel Church of TB Joshua, and so many others churches of this nature, upon the founder death, the family members take over the affairs of the Church,

WHEREFORE AND IN VIEW OF THE FOREGOING LAWS, FACTS, and this Court having listen to the testimonies of the witnesses, the evidence presented by the parties as well as the arguments of the parties, it is the Ruling of this Court that Petitioner's Petition being sound in law, is hereby granted and Petitioner's rights to the Living Bird Pentecostal Church is hereby declared and that Petitioner the successor Timothy K. Atachie be as the Pastor and General Overseer as appointed by Ben K. Atachie, founder, Pastor and General Overseer is hereby sustained and he is considers the Successor to the Founder, General Overseer and owner of the Living Bread Pentecostal Church and that the Respondents are hereby ordered to give a full accounting of the operations of the Living Bread Pentecostal Church to include all income and expenses within the period of 90 days as of the date of this Ruling. AND IT IS HEREBY SO ORDERED.

GIVEN UNDER MY HAND AND SEAL

COURT'S SEAL: THIS 25TH DAY OF MAY, A. D. 2022

J. KENNEDY PEABODY, RESIDENT  
CIRCUIT JUDGE, SIXTH  
CIRCUIT, CIVIL JUDICIAL  
LAW COURT,  
MONTSERRADO COUNTY, LIBERIA

The appellant noted exception to the trial court's ruling and announced an appeal to the Supreme Court *en banc* and thereafter, filed its bill of exceptions, contending that the trial judge erred when he denied its motion to dismiss the appellee's petition without citing the specific legal reliance, which is a violation of the Supreme Court Judicial Order number four; that the trial judge erred when he ruled on the motion to dismiss in the absence of both parties and without prior notice of assignment for said ruling; that the trial judge erred when he ruled that the late Rev. Ben K. Atachie, as the sole incorporator of the Living Bread Pentecostal Church Ministry is the owner and that the trial court also erred when it held that the son of the late Rev. Ben K. Atachie has right to inherit the church; further that the trial judge made a reversible error by ignoring the testimony of Pastors Liberty and Hope Agbeko who both said that a Church is owned by the congregation and not by an individual, even in the midst of the appellee's illegal Articles of Incorporation showing a lone incorporator for a non-for-profit corporation which is in violation of *the Associations Law, Rev. Code:5.21.1*; that the ruling is not supported by the evidence adduced during trial, hence, the trial court erred by declaring the rights of the appellee without citing any constitutional provision of the Living Bread Pentecostal Church Ministry as a reliance; moreover, the appellee and all of its witnesses including the appellee testified that they do not have any constitution. Furthermore, that the trial court erred when it ignored the testimony of Pastor Liberty and Pastor Hope Agbeko which states that "a Church is the body of Christ owned by the congregation and therefore it cannot be owned by an individual"; that the evidence on the succession was hearsay, and that no succession plan was ever admitted into evidence; that the trial court ignored the appellant' testimony and evidence of the loan document which was signed by Pastor Ben Atachie and Pastor Hope K. Agbeko."; and that the so-called succession plan was only mentioned by Pastor Liberty, and Pastor St. Francis who testified to a succession plan, and even though the issue of a succession was mentioned by the three appellee's witness, their statements were characterized by hearsay evidence and not a single paper or document was introduced into evidence in support of their entire statement.

The records show that the trial judge raised five issues in his determination of this case but culled from the testimonies, both oral and documentary, this Court observes that even

though many issues were raised by the parties herein, it has always been the practice and decision of this Court to address only issues that are germane to the determination of cases brought before it; LAMCO J. V. v TRADEVCO, 26 LLR (1978); Vargas v Morns, 39 LLR 18, 24 (1998); Kruckles v TRADEVCO, 40 LLR 49, 53 (2000); RIZZO et al. v Metzger et al., 38 LLR 476, 478 (1997).

Therefore, in consideration of the facts and circumstances of this case, this Court says that the issues dispositive of this appeal are as follows:

1. Whether or not a sole incorporator of a not-for-profit corporation of a church/ministry can claim ownership of the said entity.
2. Whether or not the trial court erred when it declared Pastor Timothy K. Atachie's right to succeed Rev. Ben K. Atachie as pastor and general overseer.

With respect to the issues presented, they will be addressed in the order as they appeared. As to the first issue, whether or not a sole incorporator of a not-for-profit corporation for a church/ministry can claim ownership of the said entity, we answer in the negative.

The New Associations Law, Rev. Code:5.2.5 provides that "A corporation is a legal entity, considered in law as a fictional person distinct from its shareholders or members, and with separate rights and liabilities. The corporation is a proper plaintiff in a suit to assert a legal right of the corporation and a proper defendant in a suit to assert a legal right against the corporation; and the naming of a shareholder, member, director, officer or employee of the corporation as a party to a suit in Liberia to represent the corporation is subject to a motion to dismiss if such party is the sole party to sue or defend, or subject to a motion for misjoinder if such party is joined with another party who is a proper party and has been joined only to represent the corporation."

The records show that, in the testimony of Pastor Timothy K. Atachie, he stated that he was before the trial court to declare his right of successor-ship of the late Rev. Ben K. Atachie, former/general overseer/pastor and sole incorporator of the Living Bread Pentecostal Church Ministry, implying that the late Rev. Ben K. Atachie was the owner of the property, which the appellant refuted because the Living Bread Pentecostal Church Ministry was once called, Salon Pentecostal Church headed by Rev. Aphonso Ebou, a Togolese national who turned over the ministry to the late Rev. Ben K. Atachie as per the recommendation of Rev. Hope K. Agbeko (one of the initial board members and serving as administrator of the Living Bread Pentecostal Church Ministry) and who was also instrumental in bringing over

the late Rev. Ben K. Atachie from the Sinkor Assembly of God Church to Salon Pentecostal Church. The appellant, further in refuting the right of Pastor Timothy K. Atachie, narrated that the Salon Pentecostal Church later began the Living Bread Pentecostal Church Ministry and denied the late Rev. Ben K. Atachie ever having ownership to the church's property especially so, the name of an incorporator in the Articles of Incorporation do not grant ownership to the said incorporator; and that all of these statements made by members of the appellant were not denied by the appellee.

A further review of the certified records also reveal that Rev. Ben K. Atachie negotiated for the purchase of 6.42 lots from Mrs. Mai Barclay Roberts and Mrs. Elizabeth Barclay Cooper value Fifty Three Thousand United States (US\$53,000.00) for the construction of the church and made advance payment of One Thousand Eight Hundred United States Dollars (US\$1,800.00) on July 10, 1995, while the balance Fifty One Thousand Two Hundred (US\$51,200.00) was to be paid on or before August 31, 1995, and according to the appellant, the Purported Living Bread Pentecostal Church Ministry (Purported Living Bread) a loan was obtained for the payment of the balance money for the land which payment is still ongoing as evidence of the loan documents admitted into evidence.

The records also show that the late Rev. Ben K. Atachie established affiliation with Pastor Merv Westbrook of Australia, Darwin Christian Ministries, Inc. who later became a major financier for the Living Bread Pentecostal Church Ministry according to the appellee and during the period of this affiliation and up to and until his death, Rev. Ben K. Atachie made yearly stewardship report to Pastor Merv Westbrook for finances that were contributed by Pastor Merv Westbrook and his ministry and for the purchase of the church land, construction of a clinic, etc. contrary to appellant's assertion, which this Court observes were all part of his responsibilities as the general overseer and cannot be deemed or claimed as his entitlement or ownership of the church.

This Court also notes that the appellant raised the argument that three or more persons may elect to form a not-for-profit corporation, however, the fact that one person sign as incorporator does not negate the existence of the entity "the general rule, supported by an almost unanimous consensus of judicial opinion, and sometimes expressly declared by statute, is that the legality of the existence of a de facto corporation can be questioned only by the state in a direct proceeding, and cannot be collaterally attached or litigated in actions or proceedings between private individuals or other corporations or between them and the alleged corporation itself..." *Holder v Dunbar*, 17 LLR 719, 724, 725 (1947).

It is an accepted legal position that the incorporation of an entity cannot be presumed merely because the statute prescribes a mode by which such societies may incorporate. The New Associations Law of Liberia does not negate one person signing as the incorporator nor does it give special right to said incorporator because all activities of such corporation is deemed registered whenever such not-for-profit corporation as a religious society shall have exercised the franchises and privileges of a corporation for 10 successive years it shall be presumed to have been legally organized according to law; therefore, where an attempt in good faith is made to comply with a statute which authorizes the formation of such corporation, and where articles are drawn and signed in form as the statute requires, except as to the acknowledgment, and they are recorded, the corporation is organized, and the right to exercise a corporate franchise is asserted for several years, a religious corporation de facto is created, the right of which corporate functions and attributes is complete against all the world except the state.

Therefore, once the Living Bread Pentecostal Church Ministry was incorporated and registered by the state, said entity is a legal entity to all intents and purposes, and all of its activities must be governed by the laws of the state. It is noteworthy to state that, despite the fact that the appellee speaks of the good works of the founder, in no way does the laws of this Land grant unto him a sole proprietor rights over the church after the filing of Articles of Incorporation. We therefore emphasize that the records showing that the late Rev. Ben K. Atachie was the sole incorporator of the Living Bread Pentecostal Church Ministry does not grant unto him the right to violate the *New Associations Law, Rev. Code:5:21.1*.

Further, the appellee's contention that the late Rev. Atachie was the sole incorporator mentioned in the Church's Articles of Incorporation inferred that the church and its property became his personal and real property for which this declaratory judgment seeks to declare its rights against those that the appellee believed to be the Purported Church Members are claiming. We disagree with the appellee on this contention and say that the law on a not-for-profit corporation disallows an individual ownership to the church property and disallows the sharing of profits and dividends from the said corporation pursuant to the *New Associations Law, Rev. Code:5:21.1*.

We now speak to the governance of the said established entity which addresses the second issue as to whether or not the trial court erred when it declared Pastor Timothy Atachie right to succeed the late Rev. Ben K. Atachie as pastor and general overseer. In the application of the Business Corporation Act to not-for-profit corporations, the law provides that ...“The

term "share-holder" as used in the Business Corporation Act shall be deemed to apply to members of a not-for-profit corporation..."; Part II, Associations Law, *Reversed* Code:5.20.3. Hence, it is then legally reasonable to imply that the intent of this law is to identify the ownership of a not-for-profit corporation; meaning that just as the share- holders are the owners of a business corporation, so are the members of the not-for-profit corporation the owners of same, therefore, the governance of a not for profit entity is vested in the board of directors governed by a duly executed by-laws as provided for under the New Associations Law, Revised Code:5.4.9.1. Invariably, the members of the appellee church, thru a board of directors, either named in the articles of incorporation or their successors in office are authorized by law to adopt the by-laws. The initial by-laws of a corporation may be amended, repealed or adopted by votes of the members. The by-laws may contain any provision relating to the business of the corporation, the conduct of its affairs, its rights or powers of its shareholders, directors or officers, not inconsistent with this Act or any other statute of Liberia or the articles of incorporation.

Since there is nothing in the Not-For-Profit Corporation Act governing the effect of incorporation as it relates to naming the officers or leaders of a corporation as party respondent in a matter involving the corporation, we shall, in keeping with the citations of the law stated herein, take recourse to the Business Corporation Act for guidance or control. Under the provision of Section 21.4(f), the law provides for the number of directors constituting the initial board of directors, and if the initial directors are to be named in the articles of incorporation, the names and addresses of the persons who are to serve as directors until the first annual meeting of the members or until their successors shall be elected and qualified.

In the instant case, culled from the records before this Court, is the fact that when the Living Bread Ministry was established by the filing of the Articles of Incorporation, the initial Board members were named in the Articles of Incorporation as follow:

1. Rev. Ben Atachie ----- Founder, Pastor, and General Overseer
2. Sis. Sophie W. Mckay ----- General Secretary
3. Bro. Peter W. Flomo ----- Assistant Pastor
4. Bro. Hope K. Agbeko ----- Administrator
5. Sis. Nora N. Mangou ----- Missionary
6. Bro. E. Masink Makola ----- Sunday school Superintendent and Elder

In accordance with law, it is this initial board of directors named in the Articles of Incorporation who were to adopt the by-laws/constitution to govern the affairs of the Living Bread Pentecostal Church Ministry. However, the records are void of any information as to

how and when the initial board members were replaced in the absence of the by-laws that would have shown the operational procedure of the Living Bread Pentecostal Church Ministry. This Court observes that the appellee placed into evidence, minutes of a board meeting with a resolution and those present at that meeting were: Pastor Timothy K. Atachie - Chairman, Sis. Mabeyan Kennedy - General Secretary, Apst. Merv Westbrook- Senior Advisor, Mot. Gloria Attached- Vice Chair, Pst. Daniel Ishmael Liberty- Member, Pst. Resoovelt Seifracncy – Members and Mother Diana Freeman- Member; all of whom were not members of the initial board of directors named in the Articles of Incorporation. According to the appellee in the minutes of the meeting held on January 15, 2021, Rev. Timothy K. Atachie was appointed to be Chairman of the board by his late father on June 11, 2018.

It is interesting to note that the late Rev. Ben K. Atachie died in 2020 and the communication for his funeral rites was sent to pastor Merv by Min. Teddy S. Hallie (Church Secretary), Pst. Nora Mangou (resident Pastor), and Pst. Hope K. Agbeko (Church Administrator). This is evidenced by a letter placed in evidence by the appellee. The records show that after the death of Rev. Ben K. Atachie, there was board meeting held. The appellant admitted into evidence, the minutes of said meeting with a board resolution indicating that a board meeting was convened on April 22, 2021 with the following listed board members: Pst. Nora Mangou, Pst. Hope K. Agbeko, Eld. Lawoumai Zayzay, Eld. Fata Baker, Pho. Esther Kruah, Eld. Stephen Saye, Min. Teddy Hallie, Mack Nuah and Teyene Shems in order to close the gap created by the death their former general overseer Bishop Ben Atachie and to review the by-laws and constitution. And in said meeting minutes, according the appellant, an election was held and Pst. Nora Mangou was elected as General Overseer while Mark Nuah was elected as Chairman.

This Court says that two members of the initial board of directors, in persons of Pst. Nora Mangou and Pst. Hope K. Agbeko (who served as Church Administrator throughout the administration of the late Rev. Ben K. Atachie who claimed to have been the person who brought the late Rev. Ben K. Atachie from the Assembly of God Church to the Salon Pentecostal Church which was later incorporated as The Living Bread Pentecostal Church Ministry) are part of the appellant's evidence of authority over the church, whereas, there are no named members of the initial board of directors in the appellee's evidence of authority over the church, and no records of how the said board was constituted.

We note for the clarity of the records, that the parties in this declaratory judgment action are all members of the same church who have disagreement over the ascendancy of Pastor

Timothy K. Atachie as their Head Pastor and over Pastor Timothy's claim that the church property belong to the Intestate Estate of the late Rev. Ben K. Atachie of the Living Bread Pentecostal Church Ministry, contrary to the trial judge's final ruling that the both churches are separate and distinct. We now shall address how the gap left by the demise of the late Rev. Ben K. Atachie would have been filled in later in this Opinion. We observe from the records before us, that the title deed presented into evidence bears the name of the Living Bread Pentecostal Church Ministry as well as the Articles of Incorporation which left this Court to wonder how could the church's property escheat to the Intestate Estate of Rev. Ben K. Atachie.

Culled the certified records before this Court, we are inclined to hold the belief that the solution to the problems of leadership and control of the church, Living Beard Pentecostal Church, lies squarely within the determination of the board of directors as to who to succeed the late Rev. Ben K. Atachie as pastor and General Overseer. Speaking for this Court in the case *Gibson et al v Christ Mission*, 24 LLR 263, 287 (1975) Justice Horace said that, as a general rule, the rights and obligations of members of a religious society are governed by the laws of that society, which is the by-law/constitution and every person entering into a religious society, impliedly, if not expressly, covenants to conform to its rules and to submit to its authority and discipline.

In this instant case, there is no evidence in the certified records transcribed before this Court that prescribes the manner and form of how succession in the leadership structure may be done. The appellee, during the trial in the court below, contended that it does not have bylaws and constitution, and that prior to the demise of Rev. Ben K. Atachie, he named Pastor Timothy Atachie to succeed him as pastor and general overseer, and the appellee presented three witness who testified about having knowledge of the succession plan of Rev. Ben K. Atachie, the appellee further presented into evidence copies of communications/emails sent by Rev. Merv Westbrook, who is considered as a major financier for the appellee, stating the desire of Rev. Ben K. Atachie concerning the issue of his successor.

This admission by the appellee concerning the nonexistence of a by-law clearly indicates that after the filing of the Article of Incorporation, the Living Bread Pentecostal Church Ministry has not complied with any provision of the not-for-profit laws of Liberia. The appellee however does not deny that the Articles of Incorporation has the initial board of directors named therein; neither does the appellee show how that initial board of directors was replaced by the board that authorized him to bring a suit against the appellant.

For their part, the appellant denied having any knowledge about succession plan, and further contended that the appellee has bylaws and constitution and a copy was presented into evidence; however, the trial judge observed that the said by-law and constitution was not signed, making it a document without authority and force of law; we agree.

It is also undisputed that, copies of transactional documents and title deeds presented by both parties bear the name, "Living Bread Pentecostal Church Ministry", that Rev. Ben. Atachie was the founder, sole incorporator, pastor, general overseer, and resident agent of the Living Bread Pentecostal Church; that the leadership of the appellant served the appellee as initial board members and administrator.

We therefore hold that in the absence of a provision of a bylaw/constitution concerning succession, and based on the precedence of decision making by law under the Not-for-profit Act, the Board comprising the names of the initial board of directors are the ones authorized to adopt the by-law/constitution of the Living Bread Pentecostal Church Ministry.

Further, in order to declare the right of an individual or entity, in a petition for declaratory judgment, this Court takes recourse in its Opinion in the case: *Ministry of Commerce and Industry v Abu Kamara*, Supreme Court Opinion, March Term, (2025) when it opined that the Court has the "power to declare rights, status, and other legal relations whether or not further relief is or could be claimed and in their discretionary power to grant or deny same; however, courts are under legal authority to first ascertain whether the granting of said declaratory judgment ends the controversy, which declaration may be either affirmative or negative in form and effect; and such declarations shall have the force and effect of a final judgment". *Civil Procedure Law, Rev. Code:1:43.1*. But our *Civil Procedure Law, Rev. Code:1:43.3* states that "Any person interested as or through an executor, administrator, trustee, guardian or other fiduciary, creditor, devisee, legatee, heir, next of kin, or cestui que trust in the administration of a trust, or of the estate of a decedent, an infant, lunatic, or insolvent, may have a declaration of rights or legal relations in respect thereto:

- (a) To ascertain any class of creditors, devisees, legatees, heirs, next of kin or others; or
- (b) To direct the executors, administrators, or trustees to do or abstain from doing any particular act in their fiduciary capacity; or
- (c) To determine any question arising in the administration of the estate or trust, including questions of construction of wills and other writings." As to what rights can be declared under the declaratory judgment, same is laid down in the provision of the *Civil Procedure Law Revised Code 1:43.2*, which states that "any person interested under a deed, will, written contract, or other writing constituting a contract, or whose rights, status, or other

legal relations are affected by a statute, municipal ordinance, contract, or franchise, may have determined any question of construction or validity arising under the instrument, statute, ordinance, contract, or franchise and obtain a declaration of rights, status, or other legal relations thereunder.”

We hold that the Living Bread Pentecostal Church Ministry, being a non-for-profit organization without shareholding, same by law, belongs to the members of the Church; hence, the appellee’s assertions that the Living Bread Pentecostal Church Ministry was solely incorporated by his father, the late Rev. Ben K. Atachie, does not grant ownership to his father, the late Rev. Ben K. Atachie, nor to Pastor Timothy K. Atachie of the appellee Ministry.

We also hold that the records having shown that the initial board of directors as named in the articles of incorporation, the said board shall remain in office until their successors are elected and qualified.

We further hold that the law authorizes the members of the appellee church, thru a board of directors, either named in the articles of incorporation or their successors to adopt the by-laws, the initial board named in the articles of incorporations are authorized to duly adopt its legitimate by-law.

WHEREFORE, AND IN VIEW OF THE FOREGOING, this Court declares as follow:

1. That the Church is a legal personality, which belongs to the membership;
2. That in respect to the father being the sole incorporator does not make him the owner of the Church;
3. That the members of the initial board of directors as named in the Articles of Incorporation are recognized to adopt to guide the administration of the church until their successors-in-office are elected and qualified.
4. That the judgment of the trial court is hereby reversed.

The Clerk of this Court is ordered to send a Mandate to the Sixth Judicial Circuit, Civil Law Court for Montserrado County, commanding the judge presiding therein to resume jurisdiction over this case and give effect to the Judgment of this Opinion. Costs are ruled against the appellee. AND IT IS HEREBY SO ORDERED.

Reversed.

When this case was called for hearing, Counsellor Tiawon S. Gongloe of the Gongloe & Associates law offices appeared for the appellant. Counsellor Amara M. Sheriff of the Liberia Law Group appeared for the appellee.