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

Massa Wehgai and Pewee Wehgai, Administrators of the Intestate Estate of Kpima and Oldman Bayoga all of the City of Monrovia, Liberia ….....Appellants	)	
Versus	)	Appeal
Marie Dennis Bowen also of the City of Monrovia, Liberia…..……..Appellee	)	
GROWING OUT OF THE CASE:	)	
Massa Wehgai and Pewee Wehgai, Administrators of the Intestate Estate of Kpima and Oldman Bayoga all of the City of Monrovia, Liberia ……..Petitioners	)	
Versus	)	Petition for the Cancellation of Title Deed
Marie Dennis Bowen also of the City of Monrovia, Liberia…….....Respondent	)	

Heard: June 10, 2026 Decided: August 27, 2026

MR. JUSTICE KANNEH DELIVERED THE OPINION OF THE COURT

This appeal presents important questions regarding the statutory authority of administrators of intestate estates, the supervisory jurisdiction of the Probate Court over estate property, and the legal effect of a conveyance executed before judicial authorization has been granted. Specifically, this Court must determine whether the irregular sequence of the Administrator Deed and the subsequent Decree of Sale, when considered together with the appellee's longstanding possession and the evidence adduced at trial, warrants cancellation of the appellee's title.

The appeal originated from a Petition for Cancellation of Title Deed filed by the appellants, Massa Wehgai and Pewee Wehgai, Co-Administrators of the Intestate Estate of Old Lady Kpaime and Oldman Bayogai, before the Civil Law Court for the Sixth Judicial Circuit, Montserrado County, sitting in its June Term, A.D. 2017, against the appellee Marie Dennis Bowen. The appellants alleged that the appellee fraudulently acquired title to fifty (50) acres of land belonging to the intestate estate through an Administrator Deed executed by a co-administrator, Edward Wehgai,

without lawful authority. After trial, the court below denied the petition and upheld the appellee's title. The appellants excepted and announced an appeal to this Court.

The record before us reveals that following the deaths of Old Lady Kpaime and Oldman Bayogai, the Monthly and Probate Court for Montserrado County, sitting in its April Term, A.D. 1994, issued Letters of Administration on April 20, 1994, appointing Massa Wehgai, David Wehgai, Pewee Wehgai, and Edward Wehgai as co-administrators of the intestate estate. The estate consisted of approximately one hundred forty-six (146) acres of land situated in Upper Caldwell, Montserrado County. Approximately six (6) weeks later, on June 4, 1994, Edward Wehgai executed an Administrator Deed purporting to convey fifty (50) acres of the estate to the appellee and her late husband, J. Hezekiah J. Bowen, Jr., for the consideration of Thirty Thousand Liberian Dollars (L$30,000.00). The record further establishes that the Probate Court did not issue its Decree authorizing sale until July 15, 1994. That decree authorized the administrators to sell seventy-five (75) acres of land out of the one hundred forty-six (146) acres comprising the estate. Notably, the decree contains no language approving, confirming, or ratifying any sale previously conducted. Rather, it authorizes the administrators to sell thereafter. This chronology is undisputed.

On July 5, 2017, the appellants instituted a Petition for Cancellation of Title Deed before the Sixth Judicial Circuit Court for Montserrado County against the appellee. The appellants alleged that the appellee fraudulently acquired title to fifty (50) acres of land belonging to the Intestate Estate of Old Lady Kpaime and Oldman Bayogai through an unauthorized conveyance executed by Edward Wehgai, one of several co-administrators of the estate. The appellee filed returns denying all allegations of fraud and asserting lawful ownership based upon a deed executed on June 4, 1994 after payment of valuable consideration of Thirty Thousand Liberian Dollars (L$30,000.00). The appellee further pleaded laches, prescription, and long-standing possession.

When pleadings rested, the trial court denied the appellee's motion to dismiss and proceeded to trial on the merits. The appellants produced four (4) witnesses together with documentary evidence consisting principally of letters of administration, probate documents, deeds, and survey records. The appellee produced three (3) witnesses, including herself, a licensed surveyor, and the Dispute Officer within the

office of the Township Commissioner of Caldwell, together with her Administrator Deed.

The appellants argued that in 1994, the husband of the appellee, the late J. Hezekiah J. Bowen, Jr. requested one of the co-administrators, Edward Wehgai, to purchase 50 acres of land at the value of Thirty Thousand Liberian Dollars (L$30,000.00) without the knowledge and consent of the appellants. According to the appellants, Edward Wehgai accepted the money from the appellee and attempted to transfer the estate's property without authority from the rest of the co-administrators. The appellants asserted that no meeting of the administrators was convened, no collective authorization was granted, and that Edward Wehgai improperly forged or caused to be inserted the names of the remaining administrators on conveyance documents, including the purported Administrator Deed.

On the other hand, the appellee presented a markedly different account. The appellee testified that in 1994 she and her deceased husband negotiated with Edward Wehgai and the rest of the other administrators, and that they paid the agreed purchase price, obtained a deed, commissioned a licensed survey, entered into possession, paid applicable taxes, and thereafter constructed improvements upon the property. The appellee asserted that her possession was open, notorious, exclusive, peaceful, and continuous for more than twenty-three years before any legal challenge was instituted. The appellee's surveyor confirmed conducting multiple surveys of the property and testified that no competing claim was asserted during the surveys conducted in 1994 or thereafter. The Township Commissioner likewise testified regarding conferences held among family members concerning the disputed land and acknowledged that the appellee had long exercised dominion over the premises.

The trial court ultimately found the appellee's evidence more credible and subsequently denied the appellants' petition for the cancellation of the appellee's title deed, holding that the appellants failed to establish during trial any valid legal grounds for the cancellation of the appellee's administrator deed.

On September 4, 2020, the Circuit Court rendered Final Judgment denying the petition and dismissing the action. The appellants timely filed a Bill of Exceptions, which was approved, thereby perfecting this appeal. During arguments before this Court, the appellants, contended that Edward Wehgai, a co-administrator of the Intestate Estate of Old Lady Kpaime and Oldman Bayogai, fraudulently conveyed

the estate's property to the appellee, Marie Dennis Bowen and her deceased husband, J. Hezekiah J. Bowen, Sr., without the knowledge or consent of the remaining administrators.

On the other hand, the appellee maintained that she lawfully purchased the property in 1994 for valuable consideration, obtained possession in good faith, conducted surveys in accordance with law, openly occupied and developed the land for over two decades, and that the appellants have utterly failed to establish fraud.

We are constrained to revert to the instruments which legally grant an administrator the rights and privileges appertaining thereto to administer an intestate estate. The records before us established the following:

i) That the Letters of Administration was issued on April 20, 1994 to the appellants and others;
ii) That the purported Administrator Deed conveying the land to Marie Dennis Bowen and J. Hezekiah J. Bowen is dated June 4, 1994; and
iii) That the Probate Court's Decree authorizing sale of the estate's property was issued on July 15, 1994.

Following the review of the instruments leading to the said land sale transaction, we have observed that the Administrator Deed predates the Probate Court's authorization by approximately forty-one (41) days. This chronology raises a significant legal issue that goes beyond the authority of one co-administrator. It raises the question whether the administrators had any legal authority whatsoever to sell the estate property on June 4, 1994, before obtaining judicial authorization.

Before addressing the respective arguments of the parties, this Court considers it necessary to restate the legal nature of an administrator authority under our laws. Administration of an intestate estate is not a private undertaking entrusted to the discretion of those appointed to administer the estate. Rather, it is a judicial trust created and supervised by the Probate Court. An administrator is an officer and fiduciary of the Probate Court whose powers are derived solely from the Letters of Administration, the Decedents Estates Law, and the lawful orders of the Probate Court. Consequently, an administrator possesses no inherent or independent authority to alienate, encumber, or otherwise dispose of the assets of an intestate estate except in the manner authorized by law.

Having carefully examined the certified record and the applicable law, this Court is of the considered opinion that the controlling question is whether the irregularity created by the execution of the Administrator Deed before the issuance of the Probate Court's Decree of Sale, when considered together with the subsequent decree and the evidence surrounding the transaction, requires cancellation of the appellee's title. We hold that, under the peculiar facts and circumstances presented by this record, it does not.

The certified record establishes beyond dispute that the Letters of Administration were issued on April 20, 1994; that the Administrator Deed conveying fifty (50) acres to the appellee and her deceased husband was executed on June 4, 1994; and that the Monthly and Probate Court subsequently issued its Decree of Sale on July 15, 1994, authorizing the administrators to sell seventy-five (75) acres of the estate's property. Thus, the Administrator Deed preceded the Decree of Sale by approximately forty-one (41) days.

This Court does not disregard the significance of this chronology. Rule 8 of the Rules for the Governance of the Monthly and Probate Courts provides that no administrator, guardian, or trustee shall dispose of property under his or her charge except by order of court, as quoted below:

> "No administrator, guardian or trustee shall dispose of any property, personal or real under their charge, unless by an order from the Court, and such sales not made pursuant to an order of Court and as regulated by statute, shall be declared void by the Court upon the information being received."

The requirement exists to preserve the supervisory authority of the Probate Court over estate property and to protect heirs, creditors, and other persons interested in the estate.

The jurisprudence cited by the appellants likewise emphasizes that administrators are fiduciaries whose authority over estate property is derived from the Probate Court and the governing law. In *Philip Glago, Jacob Dahnpunu et al. v. Michael N. Wisseh, Supreme Court Opinion, March Term, A.D. 2022*, and the authorities relied upon therein, including *Tetteh v. Stubblefield, 15 LLR 3 (1962), Caulcrick v. Lewis et al., 22 LLR 37 (1973), and Mendohdou et al. v. Geahdoe et al., 39 LLR 742 (1994),* this Court reaffirmed the central role of Probate Court authorization in transactions involving estate property. Similarly, *Mustapha Fadallah v. Priscilla Gibson-Flomo et al., Supreme Court Opinion, March Term, A.D. 2015*, recognizes the fiduciary

character of estate administration and the obligation of administrators to act within the authority conferred upon them.

However, the present appeal does not arise upon the chronology alone. The appellants instituted this action seeking the cancellation of an Administrator Deed more than twenty-three (23) years after the appellee and her deceased husband entered into possession under that instrument. The trial court was therefore called upon to consider not only the dates appearing upon the deed and decree, but also the evidence concerning the transaction, the subsequent conduct of the parties, the appellee's possession, the surveys conducted upon the property, and the appellants' allegations of fraud.

The record shows that the Probate Court did, shortly after the execution of the Administrator Deed, issue a Decree of Sale authorizing the administrators to sell seventy-five (75) acres of the estate's one hundred forty-six (146) acres. The disputed conveyance involved fifty (50) acres, which falls within the acreage the Probate Court authorized the administrators to sell. Although the better and legally proper course was for the Decree of Sale to precede the execution of the Administrator Deed, the subsequent decree is nevertheless a material circumstance in determining whether cancellation is warranted under the totality of the evidence presented in this case.

Of equal importance is the evidence concerning the appellee's acquisition and possession of the disputed property. The appellee testified that she and her late husband negotiated for the property, paid valuable consideration of Thirty Thousand Liberian Dollars (L$30,000.00), obtained the Administrator Deed, commissioned a licensed survey, entered into possession, paid applicable taxes, and thereafter made improvements upon the premises. She maintained that her possession was open, notorious, peaceful, exclusive, and continuous for more than twenty-three (23) years before the appellants commenced these proceedings.

The testimony of the licensed surveyor materially corroborated the appellee's account. The surveyor confirmed conducting multiple surveys of the property and testified that no competing claim was asserted during the survey conducted in 1994 or during the subsequent surveys. The Township Commissioner likewise testified concerning conferences among family members regarding the disputed land and acknowledged the appellee's longstanding exercise of dominion over the premises.

These facts are particularly significant because the principal allegation advanced by the appellants before the trial court was that the appellee fraudulently acquired the property through an unauthorized conveyance by Edward Wehgai. The trial court, after hearing the witnesses, and receiving the documentary evidence found the appellee's evidence more credible and concluded that the appellants failed to establish a sufficient legal and factual basis for cancellation of the Administrator Deed.

It is a settled principle of appellate review that findings of fact made by a trial court, particularly those dependent upon the credibility of witnesses and the weight of testimonial evidence, will not be disturbed where they are supported by the record unless reversible error is shown. The trial judge had the opportunity, which this Court does not have, to hear the witnesses and evaluate their credibility firsthand.

In the case before us, the evidence accepted by the trial court demonstrates that the appellee and her deceased husband entered into possession in 1994 pursuant to the Administrator Deed and thereafter openly exercised acts of ownership over the property for more than two decades. The licensed surveyor's testimony that no competing claim was asserted during the surveys is especially persuasive when considered with the appellants' prolonged failure to challenge the appellee's possession.

This Court is also mindful that cancellation of a title deed is a grave remedy. A party seeking cancellation must establish sufficient grounds for a court to nullify an instrument under which another has claimed and exercised ownership. Where, as here, the challenged purchaser paid valuable consideration, entered into open possession, caused the property to be surveyed, made improvements, remained in possession for more than twenty-three (23) years, and was later confronted with a claim whose central allegation of fraud the trial court found unproven, the entire record must be considered before the extraordinary remedy of cancellation is ordered.

We therefore distinguish between the procedural irregularity in the sequence of the Administrator Deed and the Decree of Sale, on the one hand, and the ultimate question whether the appellants established reversible error warranting cancellation of the appellee's title, on the other. The fact that the Decree of Sale was issued after the Administrator Deed is a serious irregularity; however, under the peculiar

circumstances of this case, it is not the only fact bearing upon the validity of the trial court's judgment.

The subsequent Decree of Sale demonstrates that the Probate Court authorized the administrators to sell a portion of the estate greater than the fifty (50) acres conveyed to the appellee. The appellee thereafter remained in long, open, and uninterrupted possession; her possession was corroborated by the survey evidence; and the appellants failed for more than two decades to successfully challenge that possession. These circumstances, taken together, support the trial court's determination that the appellants failed to establish grounds sufficient to cancel the appellee's deed.

We are therefore unwilling, upon this record, to overturn the judgment of the court below solely because the Administrator Deed preceded the formal Decree of Sale by forty-one (41) days. To do so would require this Court to disregard the subsequent judicial authorization reflected in the Decree of Sale, the substantial period of possession, the evidence of valuable consideration and improvements, the corroborating testimony of the licensed surveyor, and the trial court's findings regarding the credibility and sufficiency of the evidence.

Accordingly, while this Court emphasizes that administrators of intestate estates should obtain the requisite authority of the Probate Court before disposing of estate property, we hold that the appellants, under the peculiar facts and circumstances of this case, have failed to demonstrate that the irregular sequence of the deed and decree, when weighed against the entire certified record, constitutes reversible error requiring cancellation of the appellee's title.

The final issue is therefore whether the trial court committed reversible error in denying the appellants' Petition for Cancellation of Title Deed. We answer in the negative. The trial court considered the documentary and testimonial evidence, found the appellee's account more credible, and determined that the appellants failed to establish the allegations upon which cancellation was sought. We find no sufficient basis in the record to disturb that determination.

Accordingly, notwithstanding that the Administrator Deed was executed before the Probate Court issued its Decree of Sale, this Court finds that the subsequent Decree of Sale, the appellee's longstanding and uninterrupted possession, the evidence of

valuable consideration and improvements, the testimony of the licensed surveyor, and the appellants' prolonged failure to successfully challenge the appellee's possession collectively support the judgment entered by the court below.

WHEREFORE AND IN VIEW OF THE FOREGOING, the Final Judgment of the Civil Law Court, Sixth Judicial Circuit, Montserrado County, is hereby affirmed. The Clerk of this Court is hereby ordered to send a Mandate to the court below commanding the Judge presiding therein to resume jurisdiction over this matter and give effect to the Judgment of this Opinion. Costs are ruled against the appellants. AND IT IS HEREBY SO ORDERED.

Judgment Affirmed.

WHEN THIS CASE WAS CALLED FOR HEARING, COUNSELLOR DEMPSTER BROWN OF THE CENTER FOR THE PROTECTION OF HUMAN RIGHTS APPEARED FOR THE APPELLANT. COUNSELOR FESTUS K. NOWON, SR. OF THE DUGBOR LAW FIRM APPEARED FOR THE APPELLEE.