

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

BEFORE HIS HONOR : YAMIE QUIQUI GBEISAY, SR.....CHIEF JUSTICE
BEFORE HER HONOR: JAMESETTA H. WOLOKOLIE.....ASSOCIATE JUSTICE
BEFORE HIS HONOR : YUSSIF D. KABA.....ASSOCIATE JUSTICE
BEFORE HER HONOR: CEANEH D. CLINTON-JOHNSON.....ASSOCIATE JUSTICE
BEFORE HIS HONOR : BOAKAI N. KANNEH.....ASSOCIATE JUSTICE

Republic of Liberia by and thru the Ministry of Justice and)
the Management of the More Than Me.....Appellant)
)
Versus) APPEAL
)
Matu Kumba Montgomery, of the City of Monrovia,)
Liberia.....Appellee)
)
GROWING OUT OF THE CASE:)
)
Matu Kumba Montgomery, of the City of Monrovia,)
Liberia.....Plaintiff)
)
Versus) ACTION OF EJECTMENT
)
Republic of Liberia by and thru the Ministry of Justice and)
the Management of the More Than Me.....Defendants)

Heard: November 17, 2025 Decided: August 28, 2026

MR. JUSTICE KANNEH DELIVERED THE OPINION OF THE COURT

This case is on appeal from the final ruling rendered, by the Sixth Judicial Circuit, Civil Law Court, Montserrado County. The trial records reveal that on December 27, 2015, Madam Matu Kumba Montgomery, appellee in the instant proceedings, filed a five-count action of summary proceedings to recover possession of real property against the appellant, More Than Me Foundation by and thru its CEO Katie Meyler. In the said complaint, the appellee indicated that she is the legitimate and bonafide owner of the disputed property by virtue of a curator’s deed issued in her favour in October, 2011 by the Monthly and Probate Court for Montserrado County, for the property subject of this controversy; that the appellant without any color of title or authorization from the appellee, infringed on the appellee’s property right by illegally constructing structures thereon; that every attempt to have the appellant abandoned its illegal and unlawful occupation of the appellee’s property proved futile; and that damages will lie against the appellant for its illegitimate withholding of the appellee’s property.

On February 12, 2011, the appellant filed a thirteen-count answer contending that it is a tenant of the Government of Liberia evident by a memorandum of understanding

between the appellant and the Government of Liberia; that the Government of Liberia having expropriated the disputed property for the construction of a building to house the Ministry of Justice, more than fifty (50) years ago, and justly compensated its owner, the appellee is attempting to take advantage of the civil crisis which caused massive destruction of public documents making it impossible to find the receipts for payment by the Government for the land in question; that assuming the disputed property legitimately belongs to the appellee, the law prohibits the eviction of the Government from real property which is being used for public purpose and that the appellee would only be entitled to just compensation if the government had not paid.

On February 23, 2011, the appellee filed an eleven-count reply to the appellant's answer reaffirming the averments in its complaint and further arguing that it at no point in time received compensation from the Government of Liberia for the property in dispute. Hence, the appellant's contention that the disputed property was expropriated by the Government and just compensation paid to the appellee is without any legal basis.

On October 26, 2017, the Government of Liberia by and thru the Ministry of Justice filed an eight-count motion to intervene along with an intervenor's answer. Pleadings having rested, the trial court on November 2, 2017 disposed of the law issues and granted the Government's motion to intervene.

In its intervenor's answer, the appellant basically argued that it is the lawful owner of the disputed property which is occupied by More Than Me, a not-for-profit organization; that the property, subject of this controversy, was granted to More Than Me, owing to the fact that it is implementing the Government's policy of free education to underprivileged girls in West Point; and that as the grantor of the property, the Government cannot sit supinely and allow its grantee to be evicted and dispossessed from the property without coming to its defense, consistent with its obligation to defend its tenant as enshrined in the lease agreement.

Subsequently, a trial by jury was conducted during which time the appellant introduced four (4) witnesses and the appellee introduced four (4) witnesses to prove their respective claims.

Upon listening to the evidence presented by both parties the jury retired to their room of deliberation and returned with a verdict in favor of the appellee to which the

appellants noted exceptions and thereafter, filed a motion for new trial. The appellee filed resistance to the motion, and upon listening to oral arguments on the motion and the resistance thereto, the trial court denied the motion for new trial.

On August 16, 2019, the trial court rendered its final ruling wherein it affirmed the jury's verdict in favor of the appellee. The appellants noted their exceptions, announced an appeal to the Supreme Court, and filed an approved bill of exceptions basically stating that the verdict is against the weight of the evidence adduced, and that the trial court committed reversible error by affirming the verdict of the trial jury.

This Court has determined that there is only one issue dispositive of this appeal which is, whether or not the verdict is against the weight of the evidence adduced. In disposing this issue, we take judicial cognizance of the manifold Supreme Court's Opinions which states: "in an action of ejectment the plaintiff must recover upon the strength of his own title and not upon the weakness of the defendant's title; and the burden of proof to establish title to real property rests exclusively on the plaintiff and not the defendant." *Neal v. Kandakai*, 17 LLR 590 (1966); *Cooper v. Gissie et al.*, 28 LLR 202 (1979); *Donzo v. Tate* 39 LLR 72 (1998); *The Tower of Faith Church v. The Intestate Estate of the Late Wheagar Blaybor*, Supreme Court Opinion, March Term A.D. 2010; *The Intestate Estate of the Late Karman Dassen v. Bawo, Captan et al.*, Supreme Court Opinion, March Term, A.D. 2012.

Predicated on the principle of law stated herein above, this Court notes that the present appellants, defendants in the trial court, are challenging the jury's verdict and the trial court's ruling affirming same. Therefore, we shall examine the trial records in order to ascertain whether the appellee proved its title by the preponderance of the evidence, and if so, to affirm the trial court's ruling.

As indicated earlier, the records show that the appellants produced four (4) witnesses in persons of Mr. Josephus Burgess, Commissioner for Land Policy at the Liberia Land Authority, Mr. Moses Gaygaye, the Director of Real Estate and Public Properties, Dr. Togba Nah Tipoteh and Wisseh Davis, all of whom testified to the effect that the disputed property belongs to the appellants and not the appellee because it was the government of Liberia that registered the property during the Central Monrovia adjudication which started from 1970 to 1982; and that the government has been occupying the property for a protracted period of time.

To the contrary, the appellee testified that her great grandfather, Richard Montgomery and his wife, Susannah Cooper owned that property and it descended to her. She testified to a Curator's Deed which was pleaded and a certified copy of a warranty deed which was not pleaded. However, the star witness for the appellee was Mr. Paul Alex Tolbert, an employee of government and a Director of Alternative Dispute Resolution (ADR) at the Liberia Land Authority. He testified that upon the appellee's complaint to the Land Authority, he and his team conducted an investigation to include the General Services Agency and the Ministry of Foreign Affairs. Mr. Tolbert testified that the investigative report concluded that though the property in question is listed among government of Liberia's assets, but there is no history or record as to government's legitimate ownership. He indicated that the investigation therefore concluded that the property was not for the government of Liberia and he compiled a report attested by the Deputy Minister of Legal Affairs, Ministry of Foreign Affairs of Liberia, advising that the ongoing renovation on the disputed property be stopped to give the government of Liberia the opportunity to sit on a round table with the Plaintiff for negotiation.

Given above-stated testimony of the appellee's witness which was never denied nor rebutted especially noting the fact that none of the appellants' witnesses testified to any documents to prove the Government's ownership of the disputed property, albeit the Government's allegation that documents relating to the disputed property got missing during the civil crisis, we fail to see how this Court can uphold the Government's contention that the verdict was against the weight of the evidence.

The appellant also alleged that the appellee's deed is fraudulent. This Court says that mere allegations cannot constitute proof without being supported by evidence, because it is evidence alone which enables the court, tribunal or administrative forum to pronounce with certainty the matter in dispute. *Universal Printing Press v. Blue Cross Insurance Company*, Supreme Court Opinion March Term 2015; *In Re: GEC Report Against Cllr. Thompson Jargba*, Supreme Court Opinion, October Term 2024. Moreover, it is the law that the burden of proof rests on the person who alleges fraud and that the allegation of fraud must not only be stated with particularity but must be proved at the trial. *Wilson et al. v. Wilson and Ivy*, 37 LLR 420, 426 (1994); *Scaf v. Ricketts*, 28 LLR 263, 266 (1979). Thus, when allegation of fraud is made, the evidence not only rests on the person alleging the fraud but it must be clear and convincing and not be allowed to border on the realm of speculation. In the case

Multinational Gas and Petrochemical Company v. Crystal Steamship Company, S. A., 27 LLR 198 (1978) this Court opined that “fraud allegations unsupported by evidence is not proof.” Hence, the appellant having neglected to support its allegation of fraud, same must crumble as a matter of law.

As to the appellants’ contention that the appellee’s deed is defective because same is not traceable to the Republic of Liberia, this Court says that assuming *arguendo* that the appellee’s deed is defective, the appellants will still not be entitled to recover on the alleged defects in the appellee’s deed because in plethora of Opinions, the Supreme Court has held that: “...every court of law is forbidden from entering a judgment in favor of a plaintiff/defendant in an ejectment action on account of imperfections, defects and deficiencies discovered in the title of his/her adversary.”... and that “each party in every action of ejectment must recover on the strength of his own title and cannot and should not prevail as a consequence of a weakness in his adversary's title.” *White v. Steel*, 2 LLR 22 (1909); *Miller v. McClain*, 12 LLR 356 (1956); *Neal v. Kandakai*, 17 LLR 590, 596 (1966); *Tay v. Tay*, 18 LLR 310, 315 (1968); *Jackson et al. v. Mason*, 24 LLR 97 (1975); *Cooper v. Gissie et al.*, 28 LLR 202 (1979); *The United Methodist Church and Consolidated African Trading Corporation v. Cooper et al.*, 40 LLR 449 (2001); *The Tower of Faith Church v. The Intestate Estate of the Late Wheagar Blaybor*, Supreme Court Opinion, March Term A.D. 2010; *The Intestate Estate of the Late Karman Dassen v. Bawo, Captan et al.*, Supreme Court Opinion, March Term, A.D. 2012.

We also see from the records that the appellants vehemently contended that the appellee is claiming an adjoining property to which it has provided no evidence of title. This Court notes that the appellants lack the standing to raise this issue considering the fact that the appellant did not present a valid deed as evidence of title. Furthermore, assuming the appellants’ allegation of the appellee’s encroachment on a third party’s property is true and correct, we do not see how the appellants will be injured as it is the party suffering injury that is clothed with the standing to raise this issue. It is the law that a party seeking to demonstrate standing must assert his or her own rights and cannot raise the claims of a third party or third parties who are not before the court; nor can such a party make claims of generalized injury common to the body politic-the claimed injury must be individualized and unique or personal to the plaintiff. Therefore, this assertion of the appellant must crumble as a matter of law. Additionally, it is also the law that each party in an ejectment action must recover on the strength of his own title and not upon the

weakness of his adversary's title. *Teahjay v. Dweh et. al*, Supreme Court Opinion, October Term, 2013; *Chronicles Newspaper & Brown v. RL*, Supreme Court Opinion, March Term 2015.

Given all that we have said, is the verdict against the weight of the evidence adduced by the parties in the trial court? We say no. The jury is trier of the facts, and is responsible to weigh the sufficiency of the evidence, observe the demeanor of the witnesses, and determine the credibility to be given to the testimonies of witnesses produced by the parties in support of their respective claims; and ultimately, based on all of the foregoing, determine what verdict to bring. *American Life Insurance Company, Inc. v. Holder*, 29 LLR 143 (1981); *Sinkor Supermarket v. Ville*, 31 LLR 286 (1983); *Sheriff v. The Testate Estate of the Late Alhaji S. Carew*, 34 LLR 3 (1986); *Liberian Tractor and Equipment Company (LIBTRACO) v. Perry*, 38 LLR 119 (1995); *Momolu v. Cummings*, 38 LLR 307 (1996); *Munnah and Sommah v. Republic*, 35 LLR 40 (1988); *Forleh et al. v. Republic*, 42 LLR 23 (2004); *Morgan v. Barclay*, 42 LLR 259 (2004). Since there is no showing that the verdict of the jury is against the weight of the evidence, or an abuse of discretion, or that the jury was tampered with, or that there were other errors committed by the trial court so prejudicial to the appellants that it influenced the outcome of the trial or meted out grave injustice, this Court hereby upholds the verdict and holds that the trial court committed no error by affirming same. *Levin v. Juvico Supermarket*, 24 LLR 187 (1975); *American Life Insurance Company v. Sandy*, 32 LLR 338 (1984); *Barclay v. Digen*, 39 LLR 774 (1999); *The International Trust Company of Liberia (ITC) v. Cooper Hayes*, 41 LLR 48 (2002); *Catholic Relief Services v. Natt, Brown and Cororal*, 42, LLR 400 (2005).

WHEREFORE AND IN VIEW OF THE FOREGOING, the appellants' appeal is denied. The final ruling of the Sixth Judicial Circuit, Civil Law Court, Montserrado County confirming the verdict of the jury is affirmed. The appellant is ordered ejected, ousted, and evicted from the subject property and the appellee placed in possession thereof. The Clerk of this Court is ordered to send a Mandate to the trial court, commanding the judge presiding therein to resume jurisdiction over this case and give effect to the Judgment of this Opinion. Costs are disallowed. AND IT IS HEREBY SO ORDERED.

Appeal denied.

When this case was called for hearing, Counsellors Augustine C. Fayiah, Solicitor General of the Republic of Liberia, J. Adolphus Karnuah, III., Jerry D.K. Garlawulo, Adelyn Cooper and Philip Y. Gongloe of the Ministry of Justice appeared for the appellants. Counsellors Jonathan T. Massaquoi and J. Quiwoe Dennis of the International Law Group (ILG) appeared for the appellee.