

COMMONWEALTH OF THE BAHAMAS

IN THE SUPREME COURT

Common Law and Equity Division

2003/CLE/qui/00931

IN THE MATTER of ALL THOSE THREE adjacent pieces parcels or tracts of land containing an area by survey of 7.712 acres, 8.229 acres and 1.704 acres respectively situate South of Harrold Rd in the Western District of the Island of New Providence one of the Islands of the Commonwealth of The Bahamas.

AND

IN THE MATTER of the Petition of Simon F B Rodehn under the Quieting Titles Act 1959

Before Hon. Mr. Justice Ian R. Winder

Appearances: Michael W. Horton for the Petitioner
James R. Thompson for the Adverse Claimants Rita Woods and Alverston Edwards
Wayne Munroe QC with Donovan Gibson and Tomel Roker for the Adverse Claimants John Wendell Archer, Samuel Spurgeon Archer and Ruby Mae Fox (Executors for the Estate of Minvilla Archer)

30 November 2017 and 1 December 2017, , 23 March 2018, 13 April 2018, 4 June 2018, 5 June 2018, 20 July 2020, 14 January 2021

JUDGMENT

WINDER, J

This quieting action relates to 3 adjacent parcels of land, measuring 7.712 acres, 8.229 acres and 1.704 acres respectively and approximating 18 acres situated south of Harrold road (now the Tonique Willams Darling Highway), New Providence. The Petitioner (Rodehn) prays that his title to the 3 tracts of land be investigated under the Quieting Titles Act, 1959 (the QTA) and a Certificate of Title with respect to that land be granted to him.

[1.] The Petition, which was filed on 17 April 2003, originally only claimed the 7.712 and 8.229 acre tracts. In support of the Petition, Rodehn filed affidavits to support his claim to a possessory title to the property. The Petition was subsequently amended on 17 August 2004 to include the 1.704 acre tract.

[2.] Following the filing of the Petition in 2003, and the amendment in 2004, the action remained dormant until May 2007 when Rodehn filed his plan and abstract. The Plan is attached to this judgment as Appendix A. Rodehn's Abstract of Title, filed 2 years later, on 29 May 2009, set out his claim to the property in the following manner:

- 1789 14 Dec Crown Grant of 260 acres to Alexander Harrold.
- 1807 27 Apr Conveyance by William Baylis, Provost Marshall of the 260 acre tract referred to above to Hon. James Webster to satisfy a judgment of James McHardy.
- 1808 18 May Conveyance by James Webster to Anthony Wallace of the 260 Acre tract.
- 1808 19 May Conveyance by James Webster to Anthony Wallace of two parcels of land measuring 260 acres and 200 acres respectfully.
- 1809 5 Jan Conveyance by Anthony Wallace to Timothy Cox of an undivided moiety or half part of two parcels measuring 200 acres and 260 acres respectfully.
- 1809 6 Jan Conveyance by Anthony Wallace to Timothy Cox granting, selling, releasing and confirming an undivided moiety or half part of two parcels measuring 200 acres and 260 acres respectfully.

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|-------------|---|
| 1847 18 Jun | Commutation by the Crown to David Garner Cox 231 acres of the 260 acre tract. |
| 1867 29 Jul | David Garner Cox died intestate. |
| 1886 16 Aug | David G Cox Jr made a will leaving no residuary estate and making no devise to the property the subject of the Petition. |
| 1886 Sep | David Garner Cox Jr died. |
| 1954 6 Apr | Maud Jeanette Dew conveyed to Agnes Rodehn 24.941 acres being a portion of the 260 acre tract. |
| 1959 4 Apr | BEC compulsorily acquired 5.641 acres being the eastern strip along the property conveyed to Agnes Rodehn. |
| 1963 Oct | Agnes Rodehn petitioned the Supreme Court for a Certificate of Title to the remaining 19.30 of the 24.941 acres acquired from Maud Dew. |
| 1966 31 Jan | Supreme Court granted a title to Agnes Rodehn of 11.08 acres of the property sought to be quieted. |
| 1974 Jan | Rodehn avers that he entered into the 7.712 and 8.229 acre parcels |
| 2003 3 Jul | Conveyance by William Brian Stevenson to Rodehn of the 1.704 acre parcel. |
| 2003 17 Apr | E Clyde Treco swore an affidavit speaking to Rodehn's occupation of a 15 acre tract. |
| 2003 24 Apr | Basil Johnson swore an affidavit speaking to Rodehn's occupation of a 16 acre tracts. |
| 2003 29 Apr | Basil Johnson swore an affidavit speaking to Rodehn's occupation of the tracts of the property. |
| 2003 29 Apr | Cornel Mortimer swore an affidavit speaking to Rodehn's occupation of the property. |
| 2007 Jan | William Brian Stevenson swore an affidavit as to his occupation of the 1.704 acre tract which he sold to Rodehn. |

[3.] Notice of the Petition was duly advertised pursuant to the Directions Order filed on 10 December 2007.

[4.] Adverse Claims were filed by the following:

(a) Gerald T Dean Estate Limited, who filed an Adverse Claim on 6 March 2008;

- (b) Morrison M Davis, who filed an Adverse Claim on 5 March 2008
- (c) Rita Woods and Alveston Edwards, who filed an Adverse Claim on 9 April 2008 (“Edwards”) as the Trustees and beneficiaries of the estate of Hedley Vivian Edwards.

Gerald T Dean Estate Limited nor Morrison Davis took any further steps or participated any further in the action.

[5.] Edwards claimed ownership of the 7.712 acre tract and the 1.704 acre tract. The Abstract of Edwards provided:

PARTICULARS OF CLAIM

- (1) By a Conveyance dated the 22nd May, 1958 and recorded in the Registry of the Commonwealth of the Bahamas in volume 120 at pages 561 to 566 both tracts of land totaling 9.10 acres were conveyed by Joseph Augustus Thurston to the deceased Hedley Vivian Edwards, and further by a Crown Grant dated the 5th day of March, 1975 and recorded in the said Registry at volume 2380 at pages 107-108 the said land is stated therein as belonging to the deceased.
- (2) That sometime after 1958 the deceased entered into occupation of the said land without his wife and children as he was separated and remained in occupation until the date of his death on the 4th July, 1978.
- (3) That about four (4) years before the date of his death the Petitioner by force and threat prevented the deceased being a Jamaican national from continuing to occupy his land.

PARTICULARS OF THREATS

- (i) The Petitioner by the threat of or by the use of a gun prevented and/or interfered with the deceased in the occupation of the deceased land.
- (ii) That by accusing the deceased of not being a Bahamian citizen and that he was not entitled to the land and that consequently the authorities would remove him from the land.
- (iii) That partly as a result of the said threats the deceased became ill and spent a considerable amount of time in the Hospital.
- (iv) By an application No. 340 of 1978 in the Supreme Court under the Mental Health Act by an Order dated the 8th June

1978 granted to the Trustee Rita Wood was appointed Receiver in the matter of the real and Personal estate of the deceased Hedley Vivian Edwards.

- (4) That the occupation and construction of buildings and fence are not visible from the public street and was reasonably accessible only from the land of the Petitioner and not from the public road. Consequently the possession claimed by the Petitioner was in secret and not open to the public or the adverse claimants.
- (5) Sometime in 1998 the Trustees sought to sell the said land to Mr. Cooper and have the land surveyed, but the Petitioner offered to purchase the same.
- (6) By Supreme Court Action No. 126 of 2000, Court Action was taken by the Trustees to remove Mr. Rodehn off the land, being the 9.10 acres as particularized in the Statement of Claim and containing a map of the 9.10 acres.
- (7) Paragraph 3 of the Statement of Claim alleged "At a time unknown to the Plaintiff the First Defendant (Simon Rodehn) without the Plaintiff's knowledge or permission built and or caused to be built three (3) structures on 0.627 acres of the said land (9.10 acres). Further, the First Defendant (Simon Rodehn), sometime in 1998 caused a fence to be erected around the said 0.627 acres of the said property".
Paragraph 2 of the Defence of Mr. Rodehn says "As to paragraph 3 the First Defendant (Simon Rodehn) denies that he built structures or erected a fence upon the Plaintiff's property or any part thereof situate on the South side of Harold Road in the Western District of the Island of New Providence.
- (8) Paragraph 4 of the Statement Claim Provides:
"Further the First Defendant is occupying a portion of parcel B of he (sic) said property and crosses and re-crosses and has a roadway on the southern tip of the said parcel B. The Plaintiff have never granted the First Defendant permission to cross and re-cross the said portion of parcel nor have the Plaintiff granted the First Defendant permission to create a roadway on the said Southern tip of parcel B.
Paragraph 3 of the Defence
"Paragraph 4 of the statement of claim is denied and the First Defendant says that no activity of his on land on the south side of Harold Road (sic) ever needed the permission of the Plaintiff or any of them.
- (9) Paragraph 5 of the Statement of Claim
"The First Defendant is a trespasser on the said property and threatens, unless restrained by this Honourable Court, to continue to trespass on the said property.
Paragraph 4 of the Defence
"The First Defendant denies the trespass alleged in paragraph 5 of the Statement of Claim."

- (10) In the said Court Action No. 126 of 2000, the trustees also took action against Mr. Brian Stephenson as 2nd Defendant who is alleged to be the predecessor in title to the 1.704 acres.
Paragraph 6 of the Statement of Claim provides "At sometime unknown to the Plaintiff the Second Defendant wrongfully entered and took possession of a northern portion of the said property.
Paragraph 2 of the Defence of the Mr. Stevenson says
"The Second Defendant denies that he ever entered any portions of the Plaintiffs property as alleged in paragraph 6 or at all.
Paragraph 7 of the Statement of Claim
"The second Defendant threatens and intends, unless restrained by this Honourable Court to remain in possession of the said Portion of the Northern part of the said property.
Paragraph 3 of the 2nd Defendant's Defence
"The 2nd Defendant denies that he is in possession of any of the Plaintiffs property as alleged in paragraph 6 or at all.
- (11) In reliance of the said representation the Trustees took no further step in the Court Actions to their detriment and proceeded to represent that they own the land and sought to sell the same. The Trustees will also request consolidation of those Court Actions with this Action.
- (12) The Trustees say that the Petitioner Mr. Rodehn is estopped from saying that he is in possession of the said land and/or is entitled to a Certificate of Title of the land.
- (13) The Trustees intends to argue that the Quieting Title Act is inconsistent with the 1963 Constitution and therefore no Certificate should be granted to the Petitioner in any regards.

[6.] Edwards relied on the following filed documents:

- (a) Affidavit of Alverstone Edwards dated 8 April 2008;
- (b) Plan filed on 24 December 2012; and
- (c) Abstract of Title filed on 24 December 2012.

[7.] The Abstract of Title simply cited the conveyance dated 22 May 1958 between Joseph Thurston and Hedley Vivian Edwards for property containing 9.1 acres in the Western District of the Island of New Providence.

[8.] Following the filing of the Adverse Claims in 2008, very little progress was made in the action until 2012 when Rodehn sought directions for the trial of the Petition. The trial had proceeded to an advanced stage before Evans J (as he then was) when an

application was made by interested parties seeking to be served with Notice of the proceedings. In response the Notice, John Wendell Archer, Samuel Sheldon Archer and Ruby Mae Fox (as Executors for the Estate of Minvilla Archer) filed an Adverse Claim on 16 November 2015. The Adverse claim of John Wendell Archer, Samuel Spurgeon Archer and Ruby Mae Fox (the Archers) was supported by the affidavit of John Wendell Archer dated 16 November 2015. The Archers claimed the entirety of the land, the subject of the Petition, by documentary and possessory title. Evans J recused himself from the action following the issuance of the Notice.

[9.] The Archers' Abstract of Title, filed 16 November 2015, sets out their claim to the property in the following manner:

- 1788 21 Nov Crown Grant of 200 acres to Alexander Harrold.
- 1789 14 Dec Crown Grant of 260 acres to Alexander Harrold.
- 1807 27 Apr. Conveyance by William Baylis, Provost Marshall of the 260 acre tract referred to above to Hon. James Webster to satisfy a judgment of James McHardy.
- 1808 18 May Conveyance by James Webster to Anthony Wallace of the 260 Acre tract.
- 1808 19 May Conveyance by James Webster to Anthony Wallace of two parcels of land measuring 260 acres and 200 acres.
- 1960 Jan Affidavit of Louis Edward Livingstone Morrison, born 7 March 1895, swore to being acquainted with William Wallace, Anthony Wallace and Philip Wallace, the heirs of Anthony Wallace. Morrison swears that Wallace's estate devolved to Minvilla Archer nee Sawyer.
- 1960 Jan Affidavit of Ivan Wallace also swore to the estate of Anthony Wallace devolving to Minvilla Archer nee Sawyer.
- 1971 9 Nov Elsie Franks found by the Court of Appeal on 7 of 1970 to be the child and heiress at law of the late William Wallace Jr. and confirming a Certificate of Title in Equity Action 131 of 1965.
- 1978 2 Nov David C Bethell appointed by the Supreme Court in Probate as sole executor of the Estate of Elsie Franks.
- 1981 25 Jul Conveyance between David C Bethel (as executor of the estate of Elsie Franks) and George and Spurgeon Archer.

Rodehn's case

[10.] At trial, Rodehn called the following witnesses in support of his case:

- (a) Rodehn
- (b) Hubert Williams (Williams)
- (c) Donald Thompson (Thompson)
- (d) Basil Johnson (Johnson)
- (e) Frederick Anthony Pierce (Pierce)

William Brian Stevenson (Stevenson) and E. Clyde Treco (Treco) swore affidavits in support of Rodehn's claim but both died prior to the hearing. Cornell Mortimer and Gilles Deal swore affidavits and settled witness statements but were unable to give evidence at the trial.

[11.] Rodehn says that his survey witnesses (Williams and Thompson) demonstrated activity on the petitioned land in the period before the petition was brought. Rodehn says that Williams identified areas of the land recently cleared as well as areas which were cleared sometime before the photography but now overgrown with bush. Rodehn also says that the evidence of all of his witnesses, Johnson, Pierce and himself provided sufficient evidence of possession of the areas claimed, which areas could be seen on the aerial photographs presented to the Court.

[12.] Treco, in his affidavit says that Rodehn was in possession of two tracts of land situate south of Harrold Road, and stretching from the Dump Road in the south to a point near Harrold Road in the north, where it joined other privately owned land. He swore that Rodehn had occupied this land for over 29 years. Stevenson's affidavit spoke to his own occupation of the 1.704 acre tract now claimed by Rodehn. Stevenson's occupation of this tract, he claims, was exclusive of others and for a period well beyond the prescribed statutory period. Stevenson says that he acquired the property by conveyance in 1986 from his late uncle, Walter Skees. The tract was purchased by Rodehn subsequent to the commencement of this Petition.

[13.] In response to the adverse claimants' challenges that there was no open occupation of the petitioned areas, Rodehn says that anyone who visited him during his

period could hardly complain of not seeing the activity or use to which the land was being put. He says that *“the land, one might say, had gone to seed after the filing of the petition, due to no work being done to it (other than the tarring of the road) and the ravages of severe weather, like hurricanes.”* He says that for more than the 12 years prescribed by the Limitation Act, and before the presentation of the Petition, the possession of the 8.229 acres and the 7.712 acres by him has been undisturbed. Rodehn says that the attempts by the adverse claimants, by Court action, to disturb that possession have not been successful, they have not ousted him, and he has continued in possession. These actions, it is submitted, could not succeed by virtue of the provisions of section 16(3) of the Limitation Act.

Edwards' case

[14.] At trial Edwards called Surveyor Roderick Wood, Margo Victor and Patrick Hanlan as witnesses. Hanlan spoke to this friendship with Hedley Edwards and his farming pursuits on the property. He was one of the executors of Edwards' Will. The affidavits of Alverstone Edwards, Hedley Edwards's son, was also placed in evidence on behalf of Edwards.

[15.] The evidence of Edwards was that their relative, Hedley Edwards occupied the property pursuant to a documentary title. They claimed an interest only in the 1.704 acre and the 7.712 acre tract, not the southern 8.229 acre tract. Hedley Edwards died on 4 July 1978. It is said that he had confrontations with Rodehn in or about 1976 concerning the land [Rodehn denies the confrontations]. Grant of Probate was issued to The Very Rev. Dean William Granger, one of the Executors named in Hedley Edwards' Will dated 14th October 1975. Edwards say that they were subsequently appointed as Trustees of the Estate of Hedley Edwards.

[16.] In 1998 Edwards pursued a sale of what they considered to have been their property off Harrold Road and engaged a surveyor to perform a survey of the property. According to the exchange of correspondence between the Edwards' attorneys, Messrs. Graham Thompson and Rodehn's attorneys, Messrs. Maillis and Maillis, Rodehn initially,

only occupied an area at the center or the ridge of the 7.712 acre tract. It is worth setting out these exchanges in full. I should note for the record that I have excluded from my consideration certain other correspondence which have been marked as "without prejudice" and issued by Rodhen's attorneys Maillis & Maillis.

13th July, 1998

Graham Thompson & Co.
Attention – Craig Roberts Esq.

Dear Craig,

A notice of intention to survey issued by Stafford Coakley, Registered Land Surveyor indicating your firm's instructions for the Hedley Edwards Estate and was served on Simon Rodehn. The same has been brought to me for advice.

I would be extremely grateful if you would telephone me to discuss your prospective survey.

Mr. Hedley Edwards has been dead a very long time and Rodehns – two generations of them have occupied their estate for more than forty years + +, and any part of it which might cross a former boundary line is now clearly theirs by long adverse possession.

Please telephone me to discuss this matter to avoid civil litigation or physical consultation.

Yours faithfully,
MAILLIS AND MAILLIS

P. A. Maillis (Signed)

6th August, 1998

Pericles A Maillis, Esq.,
Messrs. Maillis & Maillis,

Dear Pericles,

Re: Estate of Hedley Vivian Edwards – Simon Rodehn

I hereby acknowledge the receipt of your letter of the 13th ultimo.

The survey to which you refer in your letter was carried out in June of this year and a copy of the same is enclosed herewith for your reference.

The survey carried out is in respect to a parcel of land containing 9.10 acres which was conveyed to the late Hedley Vivian Edwards by Joseph Augustus Thurston on the 22nd day of May, 1958 (Volume 120 at pages 561 to 566) (See Plan at Volume 120 at pages 552 copy enclosed herewith).

You will see from the last-mentioned plans prepared in May of 1958 that the property situate to the Southeast of the parcel of land in question contains 24.491 acres and is stated to be the property of "Mr. Rodehn".

In addition, I am aware of a Quieting Title Action which was commenced in 1963 by Agnes Alexandra Rodehn (Action No. 628 of 1963 Equity Side). In this Action there were Ten (10) Adverse Claimants. However, at this point in time, I am not aware of whether or not a Certificate of Title has been granted by the Court to one or more of the parties to the Action. However, upon looking at a plan which I have in this firm which shows Quieting Title Actions commenced, as well as those which have resulted in Certificates of Title having been issued, it would appear that the Action related only to 19.30 acres of the 24.491 acres (see relevant portion of the Plan enclosed herewith).

Notwithstanding what has been pointed out herein, the new survey now shows that Simon Rodehn is in occupation of 0.627 acres of land situate in the middle of the parcel of land owned by the Estate of the late Hedley Vivian Edwards. Needless to say, your client's occupation of the portion of the 9.10 acres of land was not known to the Edwards family prior to the date hereof. Further by being in the middle of the 9.10 acres of land creates a number of problems such as access to a part of such land, possible loss of a pending sale and a possible decrease in the value of the unaffected land.

In your letter to me you have stated that the Rodehn family has been in adverse possession for more than Forty (40) years. As of this date I have been unable to verify or to dispute your client's claim. However, setting aside for the moment legal claims which can arise and be tested, I am hopeful that the Rodehn family, who apparently own adjoining property, may be willing to discuss a reasonable resolution to the problem which they have created for the beneficiaries of the Estate.

At this point in time I do not know if the occupation of the 0.627 acres is by mistake or otherwise.

After you have had a chance to consider the contents of this letter, please let me have your thoughts and recommendations thereon.

I look forward to hearing from you on an urgent basis.

The new survey plan enclosed must be returned to me.

Yours sincerely,
M. C. Roberts

20th November, 1998

Mr. Pericles Maillis,
Chambers,

Dear Pericles,

Re Estate of Hedley Vivian Edwards and Simon Rodehn

I hereby acknowledge receipt of your letter of the 5th instant and to say the least, I was very surprised at the contents thereof.

My instructions are that when Mr. David Knowles attended the site for carrying out the recent survey, Mr. Rodehn called in a fencing company and as a

result thereof, the fence shown on the plan which I sent to you earlier was constructed. ...

In addition, the surveyor and his crew were not required by Mr. Rodehn to not trespass on the areas which you have coloured yellow on the diagram or plan returned to us. Evidence can be forth coming from the surveyor and members of his crew to this effect.

In view of the foregoing, please let me have your further comments on whether or nor (sic) Mr. Rodehn will continue to pursue the claim to the additional property.

As explained to you, the Estate of the late Hedley Vivian Edwards has a sale for the property, the closing of which is being delayed due to the unexpected claim by your client. This purchaser is prepared to purchase the property owned by the Estate providing he only has to deal with your client with respect to the 0.627 acres. I therefore need to know urgently whether or not your client's claim will in view of the foregoing be limited to the 0.627 acres.

I look forward to hearing from you.

Yours sincerely,
M. C. Roberts

[17.] The plans referred to by Mr Roberts in the above correspondence is attached to this judgment as Appendix B and Appendix C.

[18.] On 3 February 2000, in Common Law action 2000/CLE/gen/00126, Edwards sued Rodehn challenging his occupation and the construction of three structures on the 7.712 tract. The details of the action and the defences are extracted in the Edwards' abstract above. The action also challenges the entry of Stevenson onto the property. The claim brought against Rodehn and Stevenson raises an action for trespass and seeks injunctive relief.

The Archer's case

[19.] At trial the Archers called Samuel Archer, Anthony Curtis and Desmond Silvera as witnesses. The Archers assert a documentary title to all three tracts. Their homestead, identified on Rodehn's plan as *the property of Mrs Sybil Archer*, abuts the property at its northwest. The Archer's evidence was also that their descendent farmed the subject property over the period, operated a lime kiln and mined quarry from the premises to the south of the homestead.

[20.] Silvera, who described himself as a long-time friend of Captain John Spurgeon Archer. He says that his workshop, *Silvera's Welding*, was situated west of Captain Archer's property. He purchased from Captain Archer. He spoke of conversations with Captain Archer about his being a beneficiary to the subject property through his deceased mother Minvilla Archer. He and Captain Archer always spoke at length of his plans for the said property and recalls being shown a water well, south of Captain Archer's existing home. The well was approximately 75 meters at least from the home. This water well served as their supply for water. He saw Captain Archer farm on this land, farming many plants and fruit trees, cassava, sweet potatoes, sapodillas and mango trees. He says that there are still many mango trees on the subject property. His evidence was that the farming went up towards the crest of the hill. He understood the Edward's property to be the west of his property near the dump road. Rodehn was not in the picture of ownership of the subject land in question.

[21.] Samuel Archer, 56 years old at the time of trial, says that he was about twelve years old when he would be taken by his dad, Captain Archer, to property in Harrold Road. Captain Archer was constructing the dwelling home that they currently live in. Captain Archer also erected a wall to the north the west side of the dwelling home. The dwelling house was built to the east of the Dump Road, off Tonique Williams Darling Highway. After his father built the house and erected the wall he began farming to the south of the property. He suggested that the farming went about 2-3 acres.

[22.] Samuel Archer says that he was aware of the lime kiln and the well, although he had never seen the lime kiln in operation. He was also aware of the mining being done, with his father's approval, by their relative Ruby and Bill Simmons from the property south of his home. After the dwelling house was completed in the early eighties he and his father continued to work the land and the farm. He eventually built a junkanoo shack on the land.

[23.] Samuel Archer says that he first encountered Rodehn around 2003 when he saw him moving through the land with a Bobcat removing fill and palm trees. He lodged a complaint at the Flamingo Gardens Police Station and eventually commenced action against him. The Archers, like the Edwards, challenged the occupation of Rodehn by filing court actions alleging trespass. In that action, which was served on Rodehn, Justice John Lyons issued an injunction against Rodehn in 2004. The Writ was served on Rodehn but he says that the injunction was never served on him. Rodehn entered an appearance on 21 August 2004. The Archers suggest that he was served with the Order on 23 October 2004.

Law, Analysis and Disposition

[24.] Section 3 of the QTA provides:

3. Any person who claims to have any estate or interest in land may apply to the court to have his title to such land investigated and the nature and extent thereof determined and declared in a certificate of title to be granted by the court in accordance with the provisions of this Act.

We must therefore investigate the competing claims. This *investigation* is being conducted by the Court pursuant to the QTA. By section 8 of the QTA it is provided that:

8. (1) The court in investigating the title may receive and act upon any evidence that is received by the court on a question of title, or any other evidence, whether the evidence is or is not admissible in law, if the evidence satisfies the court of the truth of the facts intended to be established thereby.

(2) It shall not be necessary to require a title to be deduced for a longer period than is mentioned in subsection (4) of section 3 of the Conveyancing and Law of Property Act or to produce any evidence which by the Conveyancing and Law of Property Act is dispensed with as between vendor and purchaser, or to produce or account for the originals of any recorded deeds, documents or instruments, unless the court otherwise directs.

(3) The evidence may be by affidavit or orally or in any other manner or form satisfactory to the court.

[25.] The appropriate starting point in this case is the Privy Council decision in ***Ocean Estates Ltd. v. Pinder*** [1969] 2 AC 19. In that decision Lord Diplock opined at page 25 paragraph A, as follows:

"Where questions of title to land arise in litigation the court is concerned only with the relative strengths of the titles proved by the rival claimants. If party A can prove a better title than party B he is entitled to succeed notwithstanding that C may have a better title than A, if C is neither a party to the action nor a person by whose authority B is in possession or occupation of the land. It follows that as against a defendant whose entry upon the land was made as a trespasser a plaintiff who can prove any documentary title to the land is entitled to recover possession of the land unless debarred under the Real Property Limitation Act by effluxion of the 20-year period of continuous and exclusive possession by the trespasser."

[26.] The law therefore is that in order to succeed in his claim, a party must demonstrate a documentary title or that, he or his predecessor went onto the land as trespasser and by virtue of such possession beyond the limitation period, had extinguished the documentary title of his opponent or its predecessors in title. In considering the meaning of ***possession***, Slade J. in ***Powell v. McFarlane*** (1977) 38 P & CR p452 at 470 held that:

(1) In the absence of evidence to the contrary, the owner of land with the paper title is deemed to be in possession of the land, as being the person with the prima facie right to possession. The law will thus, without reluctance, ascribe possession either to the paper owner or to persons who can establish a title as claiming through the paper owner.

(2) If the law is to attribute possession of land to a person who can establish no paper title to possession, he must be shown to have both factual possession and the requisite intention to possess ("animus possidendi").

(3) Factual possession signifies an appropriate degree of physical control. It must be a single and conclusive possession, though there can be a single possession exercised by or on behalf of several persons jointly. Thus an owner of land and a person intruding on that land without his consent cannot both be in possession of the land at the same time. The question what acts constitute a sufficient degree of exclusive physical control must depend on the circumstances, in particular the nature of the land and the manner in which land of that nature is commonly used or enjoyed. In the case of open land, absolute physical control is normally impracticable, if only because it is generally impossible to secure every part of a boundary so as to prevent intrusion. "What is a sufficient degree of sole possession and user must be measured according to an objective standard, related no doubt to the nature and situation of the land involved but not subject to variation according to the resources or status of the claimants": ***West Bank Estates Ltd. v. Arthur***, per Lord Wilberforce. It is clearly settled that acts of possession done on parts of land to which a possessory title is sought may be evidence of possession of the whole. Whether or not acts of possession done on parts of an area

establish title to the whole area must, however, be a matter of degree. It is impossible to generalise with any precision as to what acts will or will not suffice to evidence factual possession. On the particular facts of *Cadija Umma v. S. Don Manis Appu* the taking of a hay crop was held by the Privy Council to suffice for this purpose; but this was a decision which attached special weight to the opinion of the local courts in Ceylon owing to their familiarity with the conditions of life and the habits and ideas of the people. Likewise, on the particular facts of the *Red House Farms* case, mere shooting over the land in question was held by the Court of Appeal to suffice; but that was a case where the court regarded the only use that anybody could be expected to make of the land as being for shooting: per Cairns, Orr and Waller L.JJ. Everything must depend on the particular circumstances, but broadly, I think what must be shown as constituting factual possession is that the alleged possessor has been dealing with the land in question as an occupying owner might have been expected to deal with it and that no-one else has done so.

(4) The *animus possidendi*, which is also necessary to constitute possession, was defined by Lindley M.R., in *Littledale v. Liverpool College* (a case involving an alleged adverse possession) as "the intention of excluding the owner as well as other people." This concept is to some extent an artificial one, because in the ordinary case the squatter on property such as agricultural land will realise that, at least until he acquires a statutory title by long possession and thus can invoke the processes of the law to exclude the owner with the paper title, he will not for practical purposes be in a position to exclude him. What is really meant, in my judgment, is that, the *animus possidendi* involves the intention, in one's own name and on one's own behalf, to exclude the world at large, including the owner with the paper title if he be not himself the possessor, so far as is reasonably practicable and so far as the processes of the law will allow.

[27.] The principles enunciated in *Powell v. Mcfarlane* have been approved in the Bahamian Privy Council decision of *Armbrister et al. v. Lightbourn et al.* [2012] UKPC 40.

[28.] On the issue of factual possession, the learned authors of *Commonwealth Caribbean Property Law* states at page 246 as follows:

Possession by adverse possessor

The factual possession required must have characteristics similar to those required for a claim to an easement by prescription, viz, the possession must be open (*nec clam*), peaceful (*nec vi*) and adverse (*nec precario*). Furthermore, factual possession must be accompanied by an *animus possidendi*, that is, an intention to enjoy possession to the exclusion of the paper owner.

The requirement of openness means that the possession of the claimant must be 'notorious and unconcealed', for otherwise the paper owner would not be made

aware of the need to challenge the adverse possessor before expiry of the limitation period. On the other hand, it is not necessary that the paper owner should have been aware that he had a good title, nor that the adverse possessor should have had knowledge of the true ownership of the property. It is sufficient that he performed acts which were 'inconsistent with [the paper owner's] enjoyment of the soil for the purposes which he intended to use it'.

[29.] It is important also to indicate that the effective date of this investigation is the twenty year period leading to the date of the filing of the Petition in this claim, namely 17 April 2003. It is not 12 years as Rodehn asserts. As Rodehn asserts that he entered into possession prior to 31 August 1995 and the coming into force of the Limitation Act 1995, the relevant period for consideration is 20 years which pertained under the repealed Limitation Act. The period is therefore 20 years rather than 12. Rodehn must therefore prove possession back to 1983 over the entirety of the tracts of land.

The competing documentary titles

[30.] As to documentary title, the law emanating from *Ocean Estates v Pinder* requires that I reconcile who has the superior title to the various tracts of land.

[31.] The Archers claim through Minvilla Archer, who claims (whether through her own heirship or through an acquisition from the Estate of Elsie Franks) to have been entitled to the interest of Anthony Wallace who acquired the 460 acre Alexander Harold grants. The Archers do not account or explain the recorded inter vivos transfers from Anthony Wallace to Timothy Cox in 1809. Whilst I accept that the Archers were awarded a Certificate of Title in Equity Action 302/1962 to other property which appear to have a similar documentary root as these tracts, that Certificate does not relate to this property. These tracts were excluded from that investigation. There is no written decision as to the investigative process engaged by the Court in that action as the Certificate of Title was the product of a compromise by the parties. To what extent any possessory title inured to the Archers over that property, for which they secured the Certificate of Title, is uncertain. It is indeed worth noting that the Cox descendants were also parties to the compromise. Regrettably therefore I cannot find any support in the Certificate of Title.

[32.] Rodehn does not assert a documentary title other than to the 1.704 tract which he claims through Stevenson. Stevenson, it is said, purchased the tract from his uncle in 1988 (although his affidavits states it was 1986). . It is not said how the uncle came to acquire the property and no plan of the property was attached to Stevenson's conveyance, notwithstanding a plan is said to have been attached. According to Stevenson the plan for the property seems to have been the one commissioned by Rodehn at the time of the sale. There is however, on record, a plan 3215 NP, surveyed in July 1996 at the instance of Stevenson, which includes a portion of the 1.704 acre tract. Plan 3215 NP shows property said to be claimed by Hedley Edwards as the western boundary. Stevenson's plan was attached to his Defence in the claim brought by Edwards. This plan 3215 NP identifies Angelo Roker (the purchaser of a portion of Rodehn's mother's tract) as an eastern boundary. This, it would seem, suggests that the plan recognizes an interest (or claim) of Hedley Edwards to the 7.712 acre tract. The plan 3215 NP does not recognize any claim or interest of Rodehn as Stevenson asserts in his affidavit. Stevenson's plan is attached to this judgment as Appendix D.

[33.] Hedley Edwards purchased property, identified as being a portion of the Alexander Harrold grant, from one Joseph Augustus Thurston. Joseph Thurston claimed in the Conveyance to have inherited the interests of his father Robert Thurston. It is not said how Robert Thurston came to be the owner of the property but the title has been on record in the Registry of Records in the City of Nassau, in Volume 120 at pages 547 to 552, since 10 June 1958. This is a period in excess of 63 years ago. The Edwards conveyance interestingly, notwithstanding the claim by Rodehn that this property is on the other side of the Dump Road, cites Rodehn as an Eastern boundary. The metes and bounds of Edwards' property as identified in the Conveyance from Thurston is described as follows:

ALL that piece parcel or lot of land situate on the Southern side of Harold Road in the Western District of the Island of New Providence being a portion of a tract of land originally granted to Alexander Harold which said piece parcel or lot of land is bounded Northwardly by vacant Crown Land and running thereon One hundred and Ninety and Sixty-three hundredths (190.63) feet Eastwardly by land the property of ... Rodehn and running thereon Two thousand Four hundred and Forty-eight and Three hundredths (2,448.03) feet on the South by vacant Crown Land

and running thereon Twenty-five and Eighty-two hundredths (25.82) feet and on the Northwest by another portion of the original tract of land granted to Alexander Harold and running thereon One thousand Seven hundred and Sixty-seven and Thirty-four hundredths (1,767.34) feet which said piece parcel or lot of land has such position shape marks boundaries and dimensions as are shown on the diagram or plan attached to an Indenture dated the Twenty-second day of May ----- in the year of Our Lord One thousand Nine hundred and Fifty-eight and made between Joseph Augustus Thurston of the one part and the Vendor of the other part which said Indenture is about to be lodged for record in the Registry of Records in the City of Nassau in the said Island of New Providence and is delineated on that part of the said diagram or plan which is coloured Pink.

[34.] There was a suggestion by both Rodehn and the Archers that Edwards' property was further to the west on the other side of the Dump Road where it is said he was constructing a considerable house. I am inclined to accept that Edwards owned more than one tract of land along Harrold Rd. The evidence reflects that in addition to the 9.1 acre tract he purchased from Thurston, he also received a Crown Grant elsewhere along Harrold Rd. It is perhaps on that Grant that he was constructing the house.

[35.] Edwards' conveyance from Thurston includes (by reference) a plan of the area which leaves little doubt that the property being sold to Edwards is contiguous to Rodehn mother's original 24 acre tract of land. This would therefore comprise the 1.704 acre tract and the 7.714 tract. That plan, surveyed in 1956, is attached to this judgment as Appendix B.

[36.] Additionally, in correspondence by Rodehn's counsel Pericles Maillis, he acknowledged the interests of Edwards, but said that they had been extinguished.

[37.] I readily accept that the documentary title from Thurston begins with a simple declaration as to the fee simple ownership of Thurston. Under the provisions of the Conveyancing and Law of Property Act however, there is no obligation to look beyond such a document. Section 3(3) and 3(4) of the Conveyancing and Law of Property Act provides:

3(3) Recitals, statements and descriptions of facts, matters and parties contained in deeds, instruments, Acts or declarations, twenty years old at the date of the

contract, shall, unless and except so far as they shall be proved to be inaccurate, be taken to be sufficient evidence of truth of such facts, matters and descriptions.

(4) A purchaser of land shall not be entitled to require a title to be deduced for a period of more than thirty years, or for a period extending further back than a grant or lease by the Crown or a certificate of title granted by the court in accordance with the provisions of the Quieting Titles Act, whichever period shall be the shorter.

(5) A purchaser of any property shall not require the production, or any abstract or copy, of any deed, will or other document, dated or made before the time prescribed by law, or stipulated, for commencement of the title, even though the same creates a power subsequently exercised by an instrument abstracted in the abstract furnished to the purchaser; nor shall he require any information, or make any requisition, objection or inquiry, with respect to any such deed, will or document, or the title prior to that time, notwithstanding that any such deed, will or other document, or that prior title is recited, covenanted to be produced, or noticed; and he shall assume, unless the contrary appears, that the recitals, contained in the abstracted instruments, of any deed, will or other document, forming part of that prior title, are correct, and give all the material contents of the deed, will or other documents so recited, and that every document so recited was duly executed by all necessary parties, and perfected, if and as required, by acknowledgement, enrolment or otherwise.

[38.] I am satisfied therefore that the 63 year old title of Edwards, dating back to 1958, is stronger than that of Rodehn (Stevenson) and the Archers.

The 8.229 acre tract

[39.] Rodehn's claim to this property is possessory. His home, sitting on a tract of land quieted by his mother in the 1970's, is adjacent to this 8.229 acre. I accept his evidence and that of his witnesses and affidavit deponents that this property, which is accessible and visible from the Dump Road, was utilized by his family as a tree farm and from which he cultivated plants for sale. The evidence as to Rodehn's use and occupation of this tract is extensive and not seriously challenged. Johnson, albeit not the most impressive witness, gave evidence as to doing work in preparing the land for Rodehn in the late eighties. [This was as much as I could accept of Johnson's whose 2013 witness statement spoke of doing recent work for Rodehn but in the witness box suggested that all of his work done for Rodehn was in the eighties. What was also troubling was his claim to having done work in the 1.704 acre tract, which Rodehn does not claim to own until the 2004

purchase from Stevenson.] Pierce gave evidence of working on the tree farm and planting several hundred coconut trees on this tract in the early eighties.

[40.] The 8.229 acre property goes southwestward of Rodehn's home which sits on a hill and abuts property identified as Crown land at the south. The 7.712 acre tract abuts the property on the west. Having seen and heard the witnesses as they gave their evidence, in addition to the affidavits lodged, I am satisfied with Rodehn's occupation and possession. The evidence demonstrates open occupation of the property which has not, in my view, been disturbed in the 20 year period up to the filing of this petition in 2003.

[41.] Edwards did not claim a documentary or possessory title to this property. I could not accept the documentary or possessory evidence of the Archers to this property. In any event any such title would have been long extinguished as there was no evidence of any possession or activity by the Archers this far into the tract.

The 1.704 acre tract

[42.] Rodehn's claim to this property is documentary. He claims to have purchased the documentary and possessory title of Brian Stevenson in 2003. The Petition was amended to include this tract. Notwithstanding the amending of the Petition, the operative date remains 2003 as the action relates back to the filing of the Petition. At that date Rodehn had no interest in the property and could not be entitled to the grant of a Certificate of Title to this property. In any event, I was not satisfied with either the evidence of possession or the title of Stevenson as opposed to that of Edwards.

[43.] I did not accept the evidence of the Archers as to an interest in this property to disposes the Edwards documentary title. The witnesses speak to the occupation of the Archers behind their homestead but this would seem to tract westward and not eastward Silvera seems to recognize the interests of Edwards to property in the vicinity of his property albeit to the front of his property near to the access from the highway.

[44.] I am satisfied that Edwards, are entitled to a Certificate of title to the 1.704 acre tract.

The 7.712 acre tract

[45.] Rodehn's claim to this property is also possessory. Rodehn says that he created foot paths, built structures, a parking garage and parking areas, erected fences and walls. I did not accept Rodehn's evidence of possession of this tract which did not, in my view, appear to be supported by the evidence of the photogrammetrist, Hubert Williams. It is the law that acts of possession, to amount to factual possession, must be open and notorious and not have been done surreptitiously. This is so to enable constructive knowledge of the activities of an adverse possessor to be imputed. As stated by **Romer LJ** in **Union Lighterage Co v London Graving Dock Co [1902] 2 Ch 557, 571:**

"...when the enjoyment has been open - that is to say, of such a character that an ordinary owner of the land, diligent in the protection of his interests, would have, or must be taken to have, a reasonable opportunity of becoming aware of that enjoyment."

[46.] My assessment of the evidence is that Rodehn, following his occupation of the 8.229 acre tract, sought to creep westward from his home on the hill to occupy portions of this 7.712 acre tract. The further occupation, in my view, was done outside of the view of anyone other than his close circle of friends and acquaintances or workmen engaged by him. Johnson, whom I have already indicated was unimpressive as a witness, stated initially when cross examined that the buildings could hardly be seen from the road. He later stated that they were visible on the hill from the Dump Road. Surveyor Donald Thompson, whose evidence I accept, stated that any structures on the property was not visible from the road. He stated that no one would have been able to see what Rodehn was doing.

[47.] The access for Thompson's surveyors was through Rodehn's property. Pierce's evidence also confirmed that the northern portion of this tract was only accessible through

Rodehn's home as the Harold Road portion was thick bush. Johnson's evidence was that, to access the front of the tract his machine operator took a perilous track from the south over the ridge separating the front from the back of the tract. This tract is heavily wooded and practically inaccessible from any other location other than from Rodehn's property to the south and east and the Archers to the north. From the City Dump Road there is somewhat of a Cliff which makes accessibility and visibility of what is transpiring on the interior of this tract, near impossible.

[48.] Rodehn says that the plan prepared by Thompson in 2004 omitted to identify some of his structures on this tract, the established compacted paths and fencing lines. Rodehn presents as someone astute to the quieting process having observed a similar exercise in the 1970's/1960's. I therefore did not accept Rodehn's statement as to omissions by Thompson and find that the structures nor the paths were simply not present. Rodehn undoubtedly would have ensured the plan reflected what was on the ground.

[49.] Rodehn does admit that the asphalt paving of roads and surfaces on this tract, as well as construction of some substantial structures, took place since the filing of the Petition. This occupation is therefore not evidence of Rodehn's possession. The unregulated construction however is indicative of the stealth with which Rodehn engaged with this tract. The later construction took place notwithstanding an injunction by Lyons J, of which I accept he was aware. He was likely not properly served but I am satisfied he was aware of its existence. No building permits were obtained for the construction of multistory buildings and therefore no inspections by the authorities took place. In evidence Rodehn admitted that he used the 1976 occupancy permit for his existing home to misrepresent to the authorities that the permit related to the new construction in order to obtain power. I did not accept Rodehn's evidence of possession and have approached it with considerable caution.

[50.] More importantly I did not find on the evidence that the acts of possession occurred within the 20 year period prior to the commencement of this action. Rodehn claims to have built the first building in 1991, another in 1996 and a third in 1997. Prior to that he

says a wooden lookout had been erected in addition to other forms of sheds which had since been disposed of. I am satisfied therefore that other than the 0.627 acre portion identified on the Edwards plan as "*Encroachment by Simeon Rhoden*", any other encroachment was not only outside of the 20 year (or even 12 year) threshold but did not constitute open occupation seeking to exclude the paper owner of the property. I reject any evidence otherwise.

[51.] The 0.627 acre area marked as "*encroachment by Simeon Rhoden*" was the only area which had been enclosed by Rodehn by a chain link when Edwards issued the notice to survey. [Edwards in the exchange of correspondence seem to have acknowledged that they may have been dispossessed of this 0.627 acre portion.] I therefore did not accept the suggestion that there were any real enclosure of this entire tract. Alternatively, any effort to enclose did not occur prior to 1998 when Edwards learnt of Rodehn's presence on the hill. [As reflected in the exchange of correspondence between the lawyers]. This is corroborated by Rodehn in his evidence where he says that the chain link fencing to the eastern end of this tract was put in by him in the late 90's [Even though he says that some fencing on the western boundary was in place in the 1980's]

[52.] Other than its better documentary title, I was also not satisfied with the evidence of possession of this tract by Edwards. I am satisfied however, on the evidence, that Samuel Archer was a truthful witnesses and I accepted his evidence, supported by Silvera, as to the farming by his family in the area immediately south of their homestead. I accept that farming occurred on this tract in the 20 year period prior to the filing of the petition. Having regard to the nature of the farming and the photogrammetric evidence, this could not have extended beyond a few acres. It is this possessory title which the Archers sought to protect by the 2004 action. I find that there was mining of fill which was done by Simmons, under Captain Archer's authority, but that this likely took place to the west of this track towards the Dump Road.

[53.] I will make three grants out of this 7.714 acre tract as follows:


- (1) Rodehn to receive a Certificate of Title for the 0.627 acre compound identified as "*Encroachment by Simon Rodehn*" in Appendix B.

- (2) The Archers to receive a Certificate of Title for the northernmost 2 acres of the 7.712 acre parcel.
- (3) Edwards to receive the balance of the 7.712 acre tract, to the north and south of the area marked "Encroachment by Simon Rodehn", subject to an existing easement for Rodehn to access the 8 acre tract. The Archers and Edwards are directed to agree a common boundary to ensure Edwards' property is contiguous to the 1.704 acre tract and that the Archers property abuts their homestead.

I give liberty to apply in order to work out any of the orders made herein.

[54.] I will invite the parties to lay over written submissions on the issue of costs within 21 days.

Dated this 20th day of August 2021



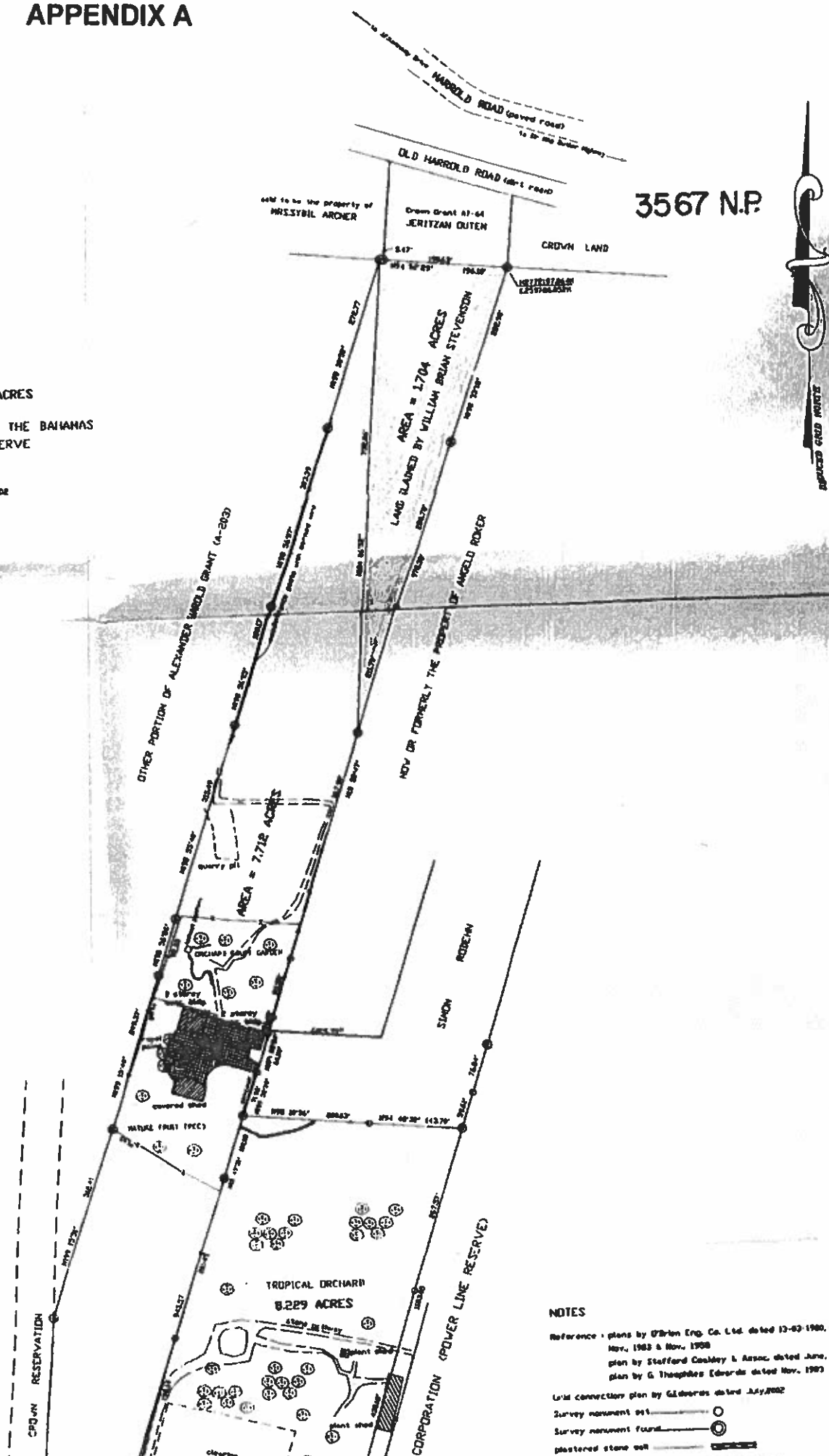
Ian Winder

Justice

APPENDIX A

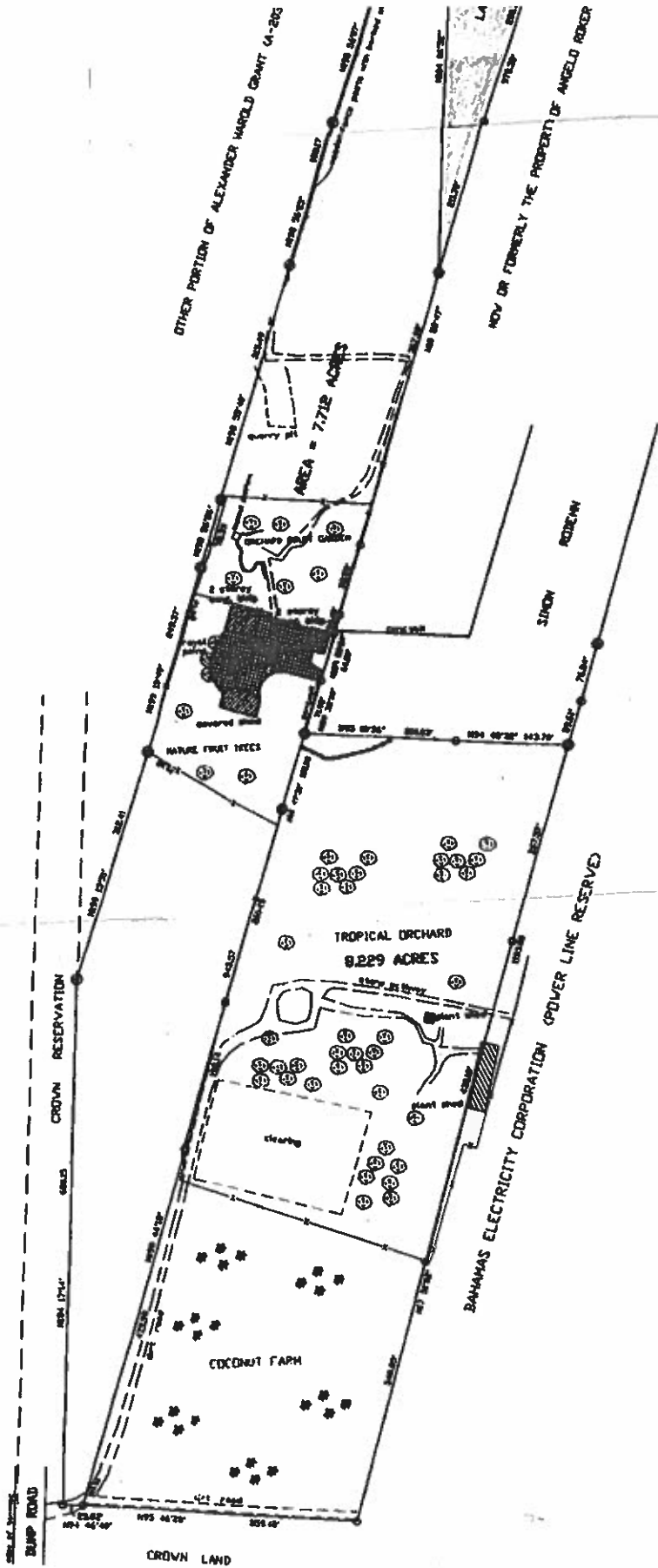
3567 N.P.

PLAN
showing
PARCELS OF LAND TOTALLING 17.645 ACRES
SITUATE
SOUTH OF HARROLD ROAD AND WEST OF THE BAHAMAS
RICHTY CORPORATION'S POWER LINE RESERVE
NEW PROVIDENCE - BAHAMAS
at the instance of Simon Rodden date 7 July, 2002



NOTES
 Reference plans by O'Brien Eng. Co. Ltd. dated 12-03-1980,
 Nov. 1983 & Nov. 1988
 plan by Stafford Cuskey & Assoc. dated June, 19
 plan by G. Thompson Edwards dated Nov. 1983
 Util. connection plan by G. Edwards dated July, 2002
 Survey monument set \odot
 Survey monument found \oplus
 Plastered stone set ---
 Concrete ---

REPRODUCED FROM THE ORIGINAL SURVEY PLAN



NOTES

- Reference plans by D'Arin Eng. Co. Ltd. dated 13-02-198 Nov. 1983 & Nov. 1988
- plan by Stafford Cockley & Assoc. dated Jun
- plan by G. Theophilus Edwards dated Nov. 199
- Grid correction plan by G. Edwards dated July 2002
- Survey monument set
- Survey monument found
- plastered stone wall
- fence line
- wall surmounted with chainlink fence

Recorded in the Dept. of Lands & Surveys in accordance with Act, 1975, as P.L.M. No. 5567/M.P. On the 24th day of Sept 200

Paul A. Pinner
Surveyor General

DECEDED BY: *F. J. ...*

APPROVED BY: *Blanton ...*

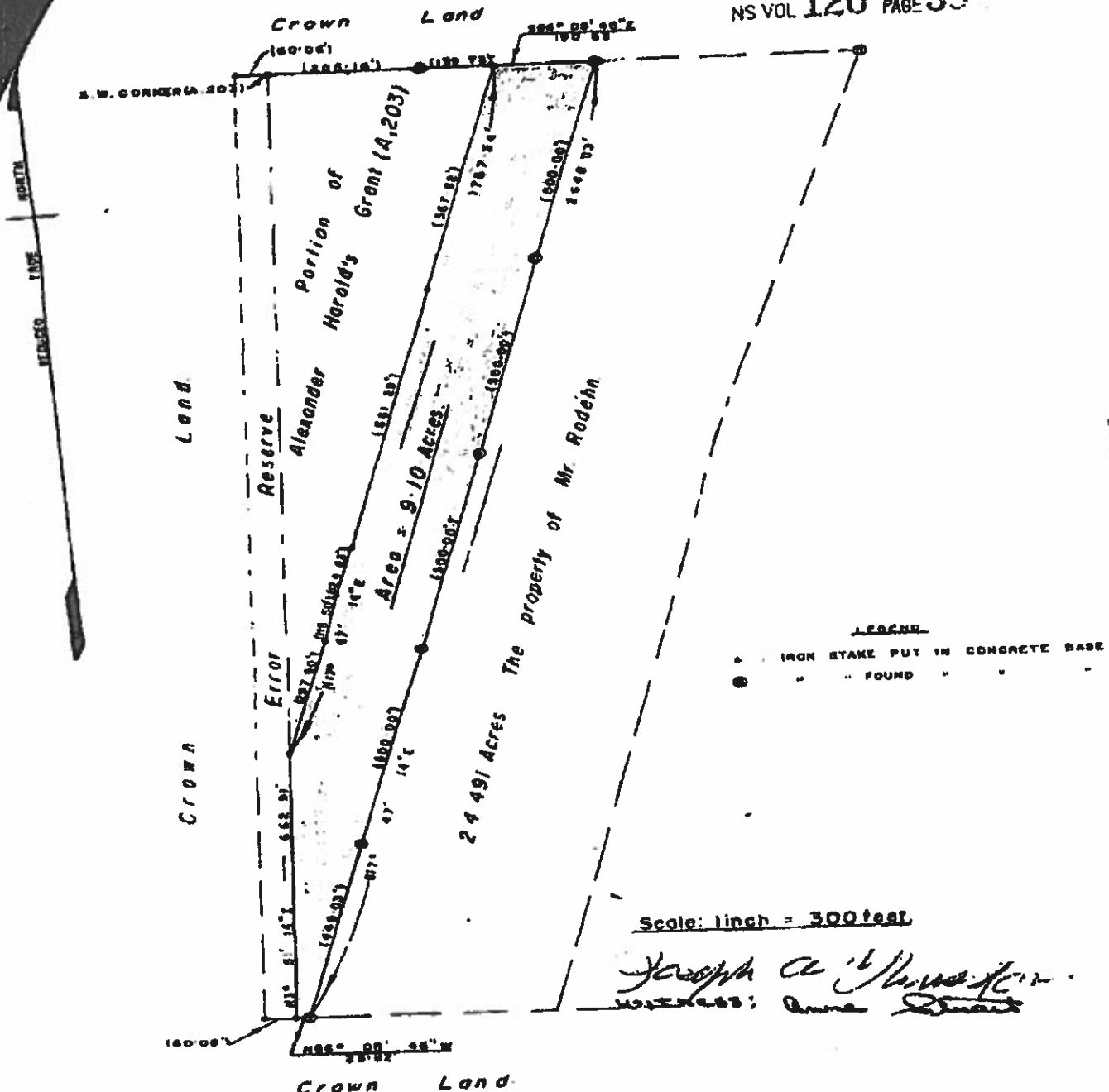
DLS JOB FILE NO. P 120/02

INDICATE
I, the undersigned, being a duly qualified and licensed surveyor, do hereby certify that the above plan has been made from surveys executed by me or under my personal supervision and that the same are correct and have been made in accordance with the provisions of the Land Survey Act, 1975 made thereunder.

[Signature]
No. 934



DONALD E. THE
Land Surveyors-Land Plan
P.O. BOX 11-9771 Tel. (1)
Survey by: EXILE
Plan by: Kendall

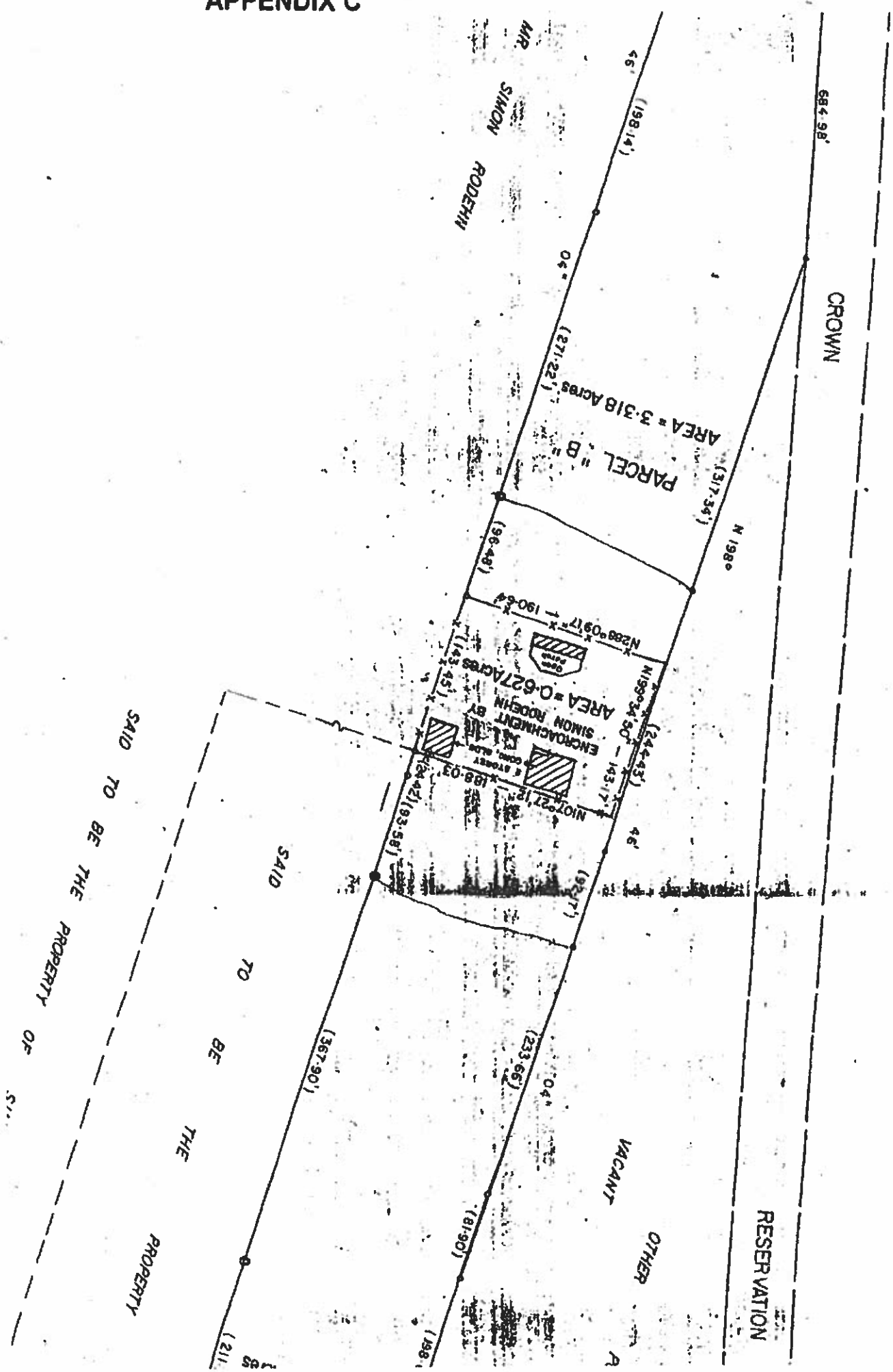


PLAN showing
 A Portion of the Alexander Harold's Grant
 (A, 203, see record in the Crown Lands Office)
 situate
 on the Southern side of Harold Road
 in the Western District of the Island of
 NEW PROVIDENCE
 surveyed at the instance of
 HEDLEY V EDWARDS

May, 1958

[Handwritten signature]

APPENDIX C



T. D. SURVEYING & ENGINEERING Ltd.
P.O. Box N7782, Phone 322-4596/325-8825 (fax) T.
Nassau, N.P., Bahamas
P 3/98

HARROLD ROAD
To Sir Milo Dr.

N 9092 200 FT.

N 277 2246.85m
E 259735 81m

N 109° 23' 11" — 183.53"
N 198° 23' 23" — 274.06"

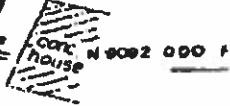


3215 N.P.

SAID TO BE CLAIMED BY HEDLEY EDWARDS (ESTATE)

AREA 2.75 Acres

ANGELO ROKER



NOTES:

- Survey monument set
 - " " found
- Grid Tie to CS1149 & CS1151

Recorded in the Dept. of Lands & Surveys in accordance with Section 3 of the Land Surveyor's Act 1975, as Plan N^o 3215 NP this 9th day of February, 1998

Ralph S. D... 9/2/98
SURVEYOR GENERAL (Acting)

Checked by: *G. Ferguson*

Approved by: *[Signature]*

SURVEYOR'S CERTIFICATE

I, A. Laville, a surveyor registered and licensed in the Bahamas, hereby certify that this plan has been made from surveys executed by me, or under my personal supervision that both the plan and survey are correct and have been made in accordance with the Land Surveyor's Act, 1975, and the Land Surveyor's Regulations 1975, made thereunder

ANDRELL C. LAVILLE REG N^o 014 F B L

PLAN

Showing

A Parcel of land part of Alexander Harrold Grant A 203

Situate

On the Southern side of Harrold Road approx. 1330 FT. West of Sir Milo Butler Dr.

NEW PROVIDENCE — BAHAMAS
Surveyed at the instance of Mr William Brian Stevenson

Scale 1 inch = 100 feet
Date July, 1996.

