

**COMMONWEALTH OF THE BAHAMAS
IN THE SUPREME COURT OF THE BAHAMAS
Common Law & Equity Division
2018/CLE/gen/FP/00290
BETWEEN**



IN THE MATTER of the Quieting Titles Act, 1959

AND

IN THE MATTER of the Petition of **RUPERT W. ROBERTS JR.**

AND

IN THE MATTER of **ALL THOSE** pieces parcels or lots of land being Allotments 9 and 10 and situate on Sampson Ridge, South Bimini one of the Islands of the Commonwealth of The Bahamas and being bounded Northwardly by Allotment No. 8 (Bimini Sands and Marina Resort the Property of the Petitioner's Company South Bimini International Ltd.) and running thereon for a total of 1022.34 feet Southwardly by Allotment No. 11 and running thereon for a total of 1173.52 feet Eastwardly by Big Duck Pond and running thereon for a total of (442.08) feet Westwardly by the Atlantic Ocean at highwater mark and running thereon for a total of 423.32 feet more or less for a total of 488,464 square feet more or less totaling 11.2 Acres; Less the offset area of Duck Pond being 2,266 square feet and on the plan attached coloured Green; Less the area of the 40 feet wide Road Reservation totaling 17,866 square feet more or less and colored Red on the plan attached; Less the offset of the Crown Reservation totaling 18,027 square feet more or less and colored Yellow on the plan attached leaving a balance of 469,819 square feet more or less 10.7 acres as is shown on Plan 291 BIMINI.

BEFORE: The Honourable Justice Petra M. Hanna-Adderley

APPEARANCES: Mr. V. Alfred Gray for the Petitioner
Mrs. Kenria Smith for the Adverse Claimant

TRIAL DATES: October 25, 2019, May 20, 2022

WRITTEN

SUBMISSIONS: For the Petitioner dated June 2, 2022

JUDGMENT

Hanna-Adderley, J

Introduction

1. This is a Quieting action commenced by the Petitioner, Mr. Rupert W. Roberts Jr. by way of a Petition filed on the November 2, 2018. In his Petition, the Petitioner claimed to be the owner in fee simple absolute in possession of Allotments 9 and 10 and situate on Sampson Ridge, South Bimini one of the Islands of the Commonwealth of The Bahamas and being bounded Northwardly by Allotment No. 8 (Bimini Sands and Marina Resort the Property of the Petitioner's Company South Bimini International Ltd.) and running thereon for a total of 1022.34 feet Southwardly by Allotment No. 11 and running thereon for a total of 1173.52 feet Eastwardly by Big Duck Pond and running thereon for a total of 442.08 feet Westwardly by the Atlantic Ocean at highwater mark and running thereon for a total of 423.32 feet more or less ("**the said property**"). The Petitioner also claimed that there is no charge, encumbrances, dower or right of dower affecting the Petitioners' title to the said parcel of land. The Petitioner prayed that his title to the said parcel of land be investigated, determined and declared under the Quieting Titles Act 1959.
2. In support of the Petition the Petitioners filed the following documents:
 - (1) Notice of Petition filed November 2, 2018;
 - (2) Petitioner's Plan filed November 2, 2018;
 - (3) Petitioner's Abstract of Title filed November 2, 2018;
 - (4) Affidavit in Support of Petition filed November 8, 2018;
 - (5) Notice filed November 8, 2018;
 - (6) Directions Order filed November 8, 2018;
 - (7) Affidavit of Compliance filed January 14, 2019; and
 - (8) Affidavit of Peter Maury filed April 23, 2019.
3. On January 4, 2019 a Notice of the Adverse Claim of Maria Levarity Green was filed herein and was supported by the Affidavit Rosanne Octavia Iris Sweeting filed on an even date therewith. On October 25, 2019 this claim was withdrawn and dismissed.

4. An Adverse Claim was filed on January 31, 2020 by the Office of the Attorney General on behalf of the Treasurer of the Commonwealth of the Bahamas. The Adverse Claimant relies on the Witness Statement of Mr. Theodore Bain.
5. All Witnesses except Mr. Bain gave viva voce evidence and none were cross-examined.
6. The Petitioner forwarded written Submissions on June 2, 2022.
7. The Abstract of Title states that from 1993 to 2018 the said parcels of land were occupied and taken into possession by the Petitioner and he has planted a variety of vegetables and herbs for use in the Bimini Sands Resort Restaurants and have generally kept the said property occupied and cultivated for over Twenty-five (25) years.
8. By the Adverse Claim the Treasurer of The Bahamas claims to be entitled to the fee simple absolute in possession of ALL THAT piece parcel or lot of land containing lots 6,7,8,9 and 10 at that Western End of Victoria Ridge & the Northern End of Sampson Ridge on the Island of South Bimini in the Commonwealth of The Bahamas.

Statement of Facts

The Petitioner's Evidence.

9. Mr. Rupert W. Roberts, Jr. took the Witness stand and stated in his evidence-in-chief that he was 83 years "young". He swore to the truth of the contents of his affidavit filed herein. That he was a Bahamian citizen and that he had occupied the said property for 25 years, since 1993 and that he still occupied it. That the land used to construct/development the Bimini Sands Resort. That he staged the construction from the said property. He built a construction shed and stored material on the said property. The said property was also farmed to supply vegetables for the Resort. The said property was also used for boat storage for 5 months out of the year. Homeowners liked to leave their boats from time to time and he stored them on the said property. That no one over the 25 years period had ever approached him to claim ownership of the said property. Mr. Roberts

clarified for the Court that the Resort was not on the said property but that the 20 apartment units and the Marina were built adjacent to the said property, on Lot 8. That the said property always formed a part of the said property used to facilitate the construction of the resort itself and daily operation period of at least 25 years. That he never fenced in the land. That he has other land and he put a nature trail that went through the said property and that other land. The said property was used in part as an attraction for tourists. Mr. Roberts identified the Plan filed herein and the said property on the Plan.

10. Mr. Thomas Peter Maury also took the Witness stand and stated in his evidence-in-chief that he is the Marina Manager for Bimini Sands Resort and Marina and the President of the Association of Bahamas Marinas. He swore to the truth of the contents of his Affidavit filed herein and he was shown and identified the same by his signature. That he was a Bahamian Citizen. That he knew the said property that Mr. Roberts was claiming. That he had been working at the Bimini Sands Resort and Marina for about 25 years in the first instance basically delivering all goods to Bimini Sands, the construction materials, equipment and anything related to that. He was there throughout the construction of Bimini Sands Resort. He became a homeowner in or about 2006. Over the last 18 months he has managed the Marina. The subject property was used as a lay down yard for the construction of the Bimini Sands Resort that is, for the storage of equipment, pipes, and boats, et cetera. The said property was used to grow fruits and vegetables for the restaurant. It also consists of matured coconut trees planted over 20 years ago. The nature trail is just beyond it. That nobody else during this time has claimed to own the land or has ever told Mr. Roberts to get off of the land. That he was last in Bimini 2 weeks before the hearing. That he saw the said property then and that it was still being used as it always had been.

11. On May 20, 2022, Mr. Maury was recalled to give additional evidence at the instance of the Court subsequent to the Site Visit. He stated in evidence that Lot 9 is the one adjacent to the Bimini Sands building. With respect to Lot 10, he

showed the Court where the grove of coconut trees was that were planted by Mr. Roberts' employees at his direction. The staff, Frank and Bridgette Cooney, also made raised beds in which different tomatoes and vegetables were grown. To the south of the lot there is a big mound or hill which is really the fill that had been dug out of the construction site. That still on Lot 10 was a big crane brought there by Mr. Roberts which was used in the construction of the Resort. It was overgrown with vegetation. A line of shipping containers also sit across both lots 9 and 10, with most of them sitting on Lot 10. No-one else ever said to him that the land was owned by them. That Mr. Roberts owns lots 11-20 and that he always believed that the said property belonged to Mr. Roberts. A pump out truck was also kept on Lot 10. That the coconut groves were planted in the 1990's when he was a young man, delivering building materials and everything else. The water cistern was also erected on this lot. The rainwater caught by the cisterns was used to water the organic vegetables. Like lot 9, lot 10 was used to store heavy equipment. No one has ever asked him or Mr. Roberts to remove anything from the said property.

The Adverse Claimant's Evidence

12. Mr. Theodore Bain, a Surveyor with the Department of Lands Surveys since 2018, stated that he visited the said property with the Court and others and pointed out the Government Reservation on the West to the north of both lots, along the sea and running some 45 feet from the high-water mark, inland to the said properties. He exhibited a Plan which showed the Government Reservation coloured yellow thereon.

Seabed Lease

13. It was also brought to the attention of the Court by the Crown that the Petitioner had applied for the Seabed Lease to the marina area of the Resort. Mr. Gray subsequently forwarded to Mrs. Smith and the Court an approval letter in connection with this application dated September 2, 2021 from the Department of Lands & Surveys.

Site Visit

14. I conducted a Site visit on April 22, 2022. Present with me were Mr. V. Alfred Gray, Mrs. Kenria Smith, Mr. Theodore Bain, Mr. Peter Murray, Miss Page Roberts Waugh, Sgt. Arlington Farquharson and Sgt. Mario Moss. Mr. Roberts was ill and could not attend.

Submissions

15. Mr. V. Alfred Gray, Counsel for the Petitioner submits that all of the processes in a Quieting action were followed, the hearing was done and a site visit was made to Bimini by the Court and a subsequent hearing took place where further evidence was taken from Mr. Peter Maury in pursuit of the Court's objective of satisfying itself that the lots in issue should be granted by Certificate of Title to the Petitioner or otherwise. This Submission is intended to briefly recap the evidence of Peter Mr. Murray's raises 4 points: 1. There are no adverse claimants with respect to these lots, notwithstanding all of the processes prescribed by Law were faithfully followed. 2. Mr. Maury in his evidence stated that the Petitioner occupied and used the lots as a storage depot, a warehouse, and for farming and general use which evidence supports the documents filed by the Petitioner of his occupation of the lots in issue. 3. Mr. Maury also showed the Court a cluster of bearing coconut trees which straddled both Lots 9 and 10 which demonstrated the longevity of the occupation and use of the lots by the Petitioner. 4. The Attorney General's Office had no objection to the Grant being made to the Petitioner subject only to an exception clause being inserted preserving the 50ft Beach Reservation running along the shoreline of the two lots.

16. Mr. Gray submitted that as a result of the points made above it is hoped that the Court is persuaded there is no impediment which stands in the way of the Court considering the grant of a Certificate of Title to the Petitioner for the two lots in issue.

17. According Mrs. Kenria Smith, Counsel for the Crown, the Crown's position in this matter is that the Treasurer of The Commonwealth of The Bahamas is concerned

that each lot has a 45 feet Crown Reservation and that the Beach Reservation is preserved and excepted in the Certificate of Title.

Issues

18. The Court must be satisfied whether (1) The Crown Reservation of 45 feet from the highwater mark ought to be excepted from the said property and (2) whether the Petitioner possessed the requisite factual possession and animus possidendi in respect of the said property.

Analysis

The Law

19. Sections 3, 4, 5, 15, 17 and 18 of the Quieting Titles Act, 1959 provides as follows:

“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.”

“4. Every application made under the provisions of section 3 of this Act shall be by petition in Form 1 of the Schedule and unless the court dispenses therewith either in whole or in part shall be supported by —

(a) the title deeds and other evidences of title in the possession or power of the petitioner;

(b) certified copies of all recorded documents the originals of which are not in the possession or power of the petitioner;

(c) an abstract of title signed by an attorney;

(d) a concise statement signed by the petitioner or his attorney of such facts as are necessary to make out the title and which do not appear in the documents produced;

(e) if proof of any fact which is required to be proved in order to make out the title, and which is not established by the produced documents;

- (f) an affidavit made in accordance with the provisions of section 5 of this Act;
- (g) at least two affidavits as to possession in the case of a petitioner relying on possession under the Limitation Act;
- (h) a plan of the land prepared from a survey thereof.”

“5. The affidavit in support of the petition shall confirm all the facts set out in the petition and shall be made by the petitioner or may, with leave of the court, be made by some person other than the petitioner or as to part by one person and as to part by another and shall in addition set out whether any person is in possession of the land and under what claim, right or title, and shall state that to the best of the deponent’s knowledge, information and belief, the affidavit and the other papers produced therewith fully and fairly disclose all facts material to the title claimed by the petitioner, and all contracts and dealings which affect the title or any part thereof or give any rights as against him.”

“15. Every certificate of title under this Act shall be presumed to be subject to the following exceptions and qualifications —

- (a) the reservations, if any, contained in the original grant from the Crown;
- (b) any encumbrance which has been recorded in respect of the land and which is valid and subsisting at the date of the certificate of title;
- (c) any public highway or right of way, watercourse, right to light and other easements;
- (d) the right of the wife, if any, of the petitioner to dower.”

“17. (1) After the court has completed the hearing of an application made under section 3 of this Act it may —

- (a) dismiss the application;
- (b) dismiss the application and grant a certificate of title in the form prescribed by section 18 of this Act to any person who shall have filed an adverse claim in accordance with the provisions of section 7 of this Act;

(c) grant a certificate of title in the form prescribed by section 18 of this Act to the petitioner;

(d) grant separate certificates of title in the form prescribed by section 18 of this Act to the petitioner and to any person who shall have filed an adverse claim in accordance with the provisions of section 7 of this Act in respect of the whole or separate parts of the land described in the petition.

(2) The court may give one certificate of title comprising all the land described in the petition, or may give separate certificates of title as to separate parts of the land."

"18. (1) The certificate of title shall be substantially in the form of Form 4 of the Schedule, and may, where necessary, have a schedule thereto and a plan annexed thereto, and shall be under the seal of the court, and shall be signed by a judge thereof, and the certificate, the schedule and plan, if any, shall be recorded without any further proof thereof.

(2) A separate index of certificates of title shall be kept by the Registrar General in a book in which the certificates of title shall be numbered in order and in which shall be entered the names of the petitioners and of any adverse claimants, and short particulars of the land which is the subject-matter of the petition and of adverse claims, and any other particulars which may be deemed to be desirable."

20. In **Anthony Armbrister and Others v Marlon Lightbourn and Others** 2012 UKPC 40 Lord Walker delivered the Judgment of The Judicial Committee of the Privy Counsel on appeal from the Court of Appeal of The Bahamas and set out the process of quieting titles and the role of the Court beginning at paragraph 7:-

"The Quieting Titles Act 1959 and other statutory provisions

7. The purpose of the 1959 Act is to provide a judicial process for the determination of disputes as to title to land in the Bahamas. The process is initiated by a petition presented by a claimant. The petition is advertised, and adverse claims may be made by rival claimants. The procedure is in the nature of a judicial inquiry and it ends in a judgment in rem which, subject

to appeal, finally settles entitlement to the land, not merely as between the parties, but for all purposes. This judicial procedure meets an economic and social need in the Bahamas, where many of the outlying islands were, for much of the Commonwealth's history, sparsely populated and only sporadically cultivated. Much of the land belonged to landlords who were not permanently resident, and travel was slow. Parcels of land often had no clearly defined boundaries based on comprehensive surveys. But while the 1959 Act meets an economic and social need, there has also been a warning from a lecturer, familiar with the 1959 Act both as a legislator and as a practicing member of the bar, that bench and bar must be vigilant to prevent the statutory procedure being abused by "land thieves" (the Hon Paul L. Adderley in an address to the National Land Symposium on 17 March 2001). It is no accident that the Judicial Committee has over the years heard many appeals raising questions of title to land in the Bahamas, including *Paradise Beach and Transportation Co Ltd v Price-Robinson* [1968] AC 1072, *Ocean Estates Ltd v Pinder* [1969] 2 AC 19, *Higgs v Nassauvian Ltd* [1975] AC 464, and *Higgs v Leshel Maryas Investment Co Ltd* [2009] UK PC 47.

8. Procedure under the 1959 Act is relatively informal. The strict rules of evidence do not apply. The procedure is comparable to that which applies on the investigation of title on an ordinary sale, out of court, under an open contract. Each rival claimant must prepare an abstract of title and adduce evidence in support of it. Section 8 of the 1959 Act provides:

"(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.”

Possessory Title

21. The Petitioner’s claim is by possessory title. The Petitioner must prove that his possession of the said property was adverse to that of any documentary title owner and the Crown. Megarry and Wade in the text **Law of Real Property**, 4th Edition at page 1013 define the term Adverse Possession as:

“possession inconsistent with the title of the true owner and not for example possession by a trustee on his behalf.”

22. In **Building Heritage Ltd. v Minister of Housing and Social Development** 1999 No. 256/250 Lyons J stated:

“In *Evans v Carey* [1977-78] 1 LRB 176, the Court of Appeal approved the statement of law by Scarr J in *Re Bowe* (unreported EQ.137/19610. Scarr J. said

“It is contained in s 1 of the Real Property Limitation Act...and ss3 and 34 of the Real Property Limitation Act No. 1...the combined effect of which is that in order to extinguish the title of the true owner and establish a possessory or squatter’s title, the claimant must substantiate the following three facts:

1. that the owner has either abandoned his possession or has been dispossessed,
2. that adverse possession has been taken by another and,
3. that the adverse possession was continued without any interruption for a least 20 years.

By "Adverse Possession" is meant that the trespasser must occupy and deal with the land in such a way that it is quite inconsistent with the right of the true owner to enjoy the land as he wishes i.e. preclude him from enjoying it (see *Leigh v Jack (1879) 5 Ex D 24*); and he must prove such occupation in respect of every inch of land he claims, *Glynn v Howell (1909) Ch 666*. The burden of proof is not a light one and the law does not lightly reward trespassers...Where the acts of the trespassers are equivocal i.e. not necessary acts of ownership...the claimant must prove an intention to exclude the true owners (*Littledale v Liverpool College [1990] 1 Ch 9*). There must also be dispossession of the true owner and mere use by another is not enough (see *William Bros v Raftery [1957] 3 All England Report 593, [1958] 1 QB 159*)"

23. The burden of proof is on the Petitioner and the standard of proof is on a balance of probabilities.

24. In **Powell v McFarlane** 1977 38 P & CR p 452 the Court considered the concept of possession and the conditions necessary to establish an intention to possess land adversely to the paper owner where a squatter had occupied the land and defended a claim for possession. Slade J stated:

"It will be convenient to begin by restating a few basic principles relating to the concept of possession under English law:

(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 generalize with any precision as to what acts will or will not suffice to evidence factual possession. On the particular facts of *CadijaUmma 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*¹² (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.”

Findings of Fact

25. I accept that the Petitioner has occupied the said property since 1993, for approximately 25 years. That he used the said property initially to stage the construction of the Bimini Sands Resort and continues to use it store heavy equipment, pipes and parts. At the beginning of the construction of the Resort the Petitioner built a construction shed on the said property and used it to store materials. I accept that the property was used to store multiple shipping containers that remain on the said property. A water cistern was erected on the said property. Homeowners of Bimini Sands store their boats on the said property in their absence from the island.

26. I accept that the said property was used to farm organic fruits and vegetables for consumption at the Resort. I also accept that the Petitioner’s staff upon instructions

from him planted coconut grooves over the said property in the 1990's and that they are still there. That no-one else has ever claimed to be the owner of the said property. No-one has ever asked the Petitioner to remove anything from the said property. That the Petitioner has always used the said property in such a way that the staff always believed the said property to be his.

27. I accept that the said property is bounded Westwardly by the Atlantic Ocean.

Factual possession & Animus possidendi

28. The only "dispute" in this action between the Petitioner the Crown is whether there exists a Crown Reservation and whether the Plan as filed excepts that Crown Reservation on the said Property. The Petitioner has conceded the 45 feet Crown Reservation and has conceded that the corrected Plan attached to the Witness Statement of Mr. Bain is the Plan that will be attached to the Certificate of Title should one be granted by the Court.

29. In applying the test in **Building Heritage Ltd. (Supra)**, I am satisfied that no individual has ever claimed ownership to the said property, not even the Crown, save for the said Crown Reservation. The Petitioner has been in possession of it for at least 25 years. The Petitioner has used and enjoyed the said property as though it is his and in a manner quite inconsistent with it being owned by someone else. The true owner has, on the evidence of the Petitioner and Mr. Maury, been dispossessed. Adverse Possession has been taken of the said property by the Petitioner and his possession of the said property has been uninterrupted for in excess of 20 years. The Petitioner in my Judgment meets the test in **Building Heritage Ltd. (Supra)**.


30. In applying the test in **Powell v McFarlane (Supra)**, the Petitioner has established that he has been in factual possession of the said property for at least 25 years. This "possession" of the said property has been undisturbed. No other individual including the Crown, save for the Crown Reservation, has laid claim to the said property. He has used, controlled and enjoyed the said property in a manner which demonstrates an intention to possess the whole of it as his own. In

fact, he has dealt with it to such an extent that his own employees believed all along that he owned the said property. The Petitioner in my view possessed the animus possidendi.

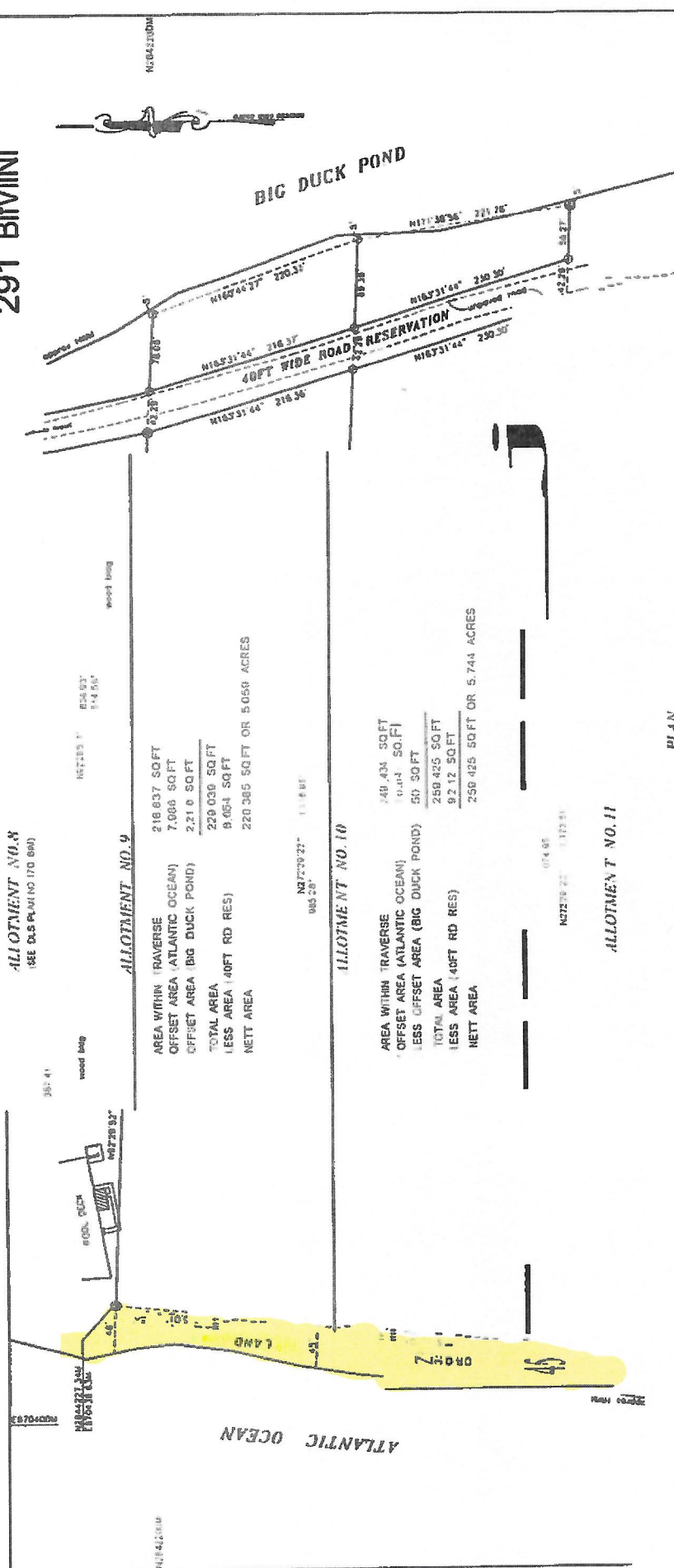
Conclusion & Disposition

31. For all of the reasons stated above, I find that the Petitioner is entitled to a Certificate of Title to Allotments 9 and 10 and situate on Sampson Ridge, South Bimini one of the Islands of the Commonwealth of The Bahamas and being bounded Northwardly by Allotment No. 8 (Bimini Sands and Marina Resort the Property of the Petitioner's Company South Bimini International Ltd.) and running thereon for a total of 1022.34 feet Southwardly by Allotment No. 11 and running thereon for a total of 1173.52 feet Eastwardly by Big Duck Pond and running thereon for a total of (442.08) feet Westwardly by the Atlantic Ocean at highwater mark and running thereon for a total of 423.32 feet more or less for a total of 488,464 square feet more or less totaling 11.2 Acres; Less the offset area of Duck Pond being 2,266 square feet and on the plan attached coloured Green; Less the area of the 40 feet wide Road Reservation totaling 17,866 square feet more or less and colored Red on the plan attached; Less the offset of the Crown Reservation totaling 18,027 square feet more or less and colored Yellow on the plan attached leaving a balance of 469,819 square feet more or less 10.7 acres.
32. For the avoidance of doubt, I attach a copy of the corrected Plan which is registered with the Department of Lands and Surveys as 291 BIMINI.

Dated: this 9th day of June, A.D. 2022


Petra M. Hanna-Adderley
Justice

"8 M N S A N D S"
ALLOTMENT NO. 8
 (SEE DLS PLAN NO 170 894)



PLAN
ALLOTMENTS NOS 9 AND 10
SAMPSON RIDGE
SOUTH BIMINI
BAHAMAS

Referred to the Department of Lands and Surveys in accordance with Section 3 of The Land Surveyors Act, 1975 on PLAN NO. 251 (Buna) This 19 day of Oct. 2018

Donald E Thompson
 Surveyor General

DLS JOB FILE NO. P 112/181

Received in the Department of Lands and Surveys in accordance with Section 3 of The Land Surveyors Act, 1975 on PLAN NO. 251 (Buna) This 19 day of Oct. 2018

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 Surveyor General

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Donald E Thompson
 Surveyor General

Scale: 1" = 100 FEET

DATE: 8TH AUGUST 2018

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