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No. 9

Departmental and Other Notices

IN THE EASTERN CARIBBEAN SUPREME COURT
IN THE HIGH COURT OF JUSTICE

COMMONWEALTH OF DOMINICA
DOMHCV2010/0124

Between

Mona Johnson

Claimant

and

Michael Simpson Roberts
(*As Administrator Pendente
Lite and in person*)

Defendant

Appearances:

Mrs. Heather Felix Evans with Mr. Douglas Murdock
for the Claimant

Mrs. Noelize Knight Didier of Harris and Harris
for the Defendant

2014: November 28th, 29th

2015: January 28th

JUDGEMENT

[1] STEPHENSON J: Mrs. Mona Johnson (the Claimant) seeks a declaration that she is the sole beneficiary of the Estate of Martina Sylvester deceased (*hereinafter referred to as "Martina's estate"*) under the Intestates'

Estates Act¹ (hereinafter referred to as the "IEA"), and that she is solely entitled to inherit the said estate.

[2] The Claimant claims that she was unofficially adopted by the deceased Martina Sylvester (*hereinafter referred to as Martina*) and was wholly maintained by and acknowledged as Martina's issue and she is asking the court to declare that by virtue of Section 2 of the IEA² she is an issue of Martina without an Adoption order.³

[3] Should the Claimant prevail in her claim that she is the beneficiary of Martina's Estate, she also seeks the following orders from the court:

- (i) An order for recovery of rent collected by the Defendant from October 2008 to date of judgment (*For property which Martina inherited from her aunt*)
- (ii) An order for the removal or withdrawal of the caveat from the certificate of title in respect of 125 Bath Road, Roseau and an order to restrain the Defendant from interfering with said property and the tenants therein;
- (iii) An order revoking the existing limited grant to the Defendant and giving a new general grant to the Claimant;

¹ Chapter 9:03 of the Revised Laws of Dominica

² *ibid*

³ See Paragraph 10 of the Statement of Claim filed on the 30th April 2010