

COMMONWEALTH OF THE BAHAMAS

IN THE SUPREME COURT

Common Law and Equity Division

2018/CLE/qui/00582

IN THE MATTER of The Quieting Titles Act 1959 (Chapter 393 Statute Laws of the Bahamas Revised Edition 2001)

AND

IN THE MATTER of All that piece parcel or lot of land being 7,337 square feet situate on the Eastern part of Skyline Drive about 130 feet southwards of West Bay Street in the vicinity of Westward Villas Block No. 4 in the Western District of the Island of New Providence, in the Commonwealth of The Bahamas

AND

IN THE MATTER of the Petition of Mortgage Holdings Limited under the Quieting Titles Act, 1959

Before Hon. Chief Justice Sir Ian R. Winder

Appearances:

Laurell Hanchell with Caryl Lashley for the Petitioner

Kenria Smith for the Adverse Claimant, the Minister responsible for Crown Lands

15 October 2021, 8 June 2022

JUDGMENT

WINDER, CJ

This quieting action relates to a parcel of land measuring 7,377 square feet on Skyline Drive just south of West Bay Street. The Petitioner (Mortgage) prays that its title to the tract of land be investigated under the Quieting Titles Act, 1959 and a Certificate of Title with respect to that land be granted to it.

[1.] The Petition, affidavits to support of its claim, and a survey plan were filed by Mortgage on 17 May 2018. The abstract of title, however, was not filed until 3 November 2021.

[2.] Mortgage ultimately relied on the following affidavits in support of its claim:

- (1) Heinz Wszolek dated 18 May 2019;
- (2) Charles Lashley dated 13 June 2018;
- (3) Ethlinder Gojkovic dated 11 June 2018; and
- (4) Darnell Dawkins dated 13 June 2018.

[3.] The Plan is attached to this judgment as Appendix A.

[4.] Mortgage settled an Abstract of Title. The Abstract does not say when Mortgage went into possession of the subject property but chronicles the acquisition of the adjoining property by it (Lot No. 2 Block 4 of Westward Villas) and the ownership of subdivision called Westward Villas.

[5.] Notice of the Petition was duly advertised pursuant to the Directions Order filed on 28 October 2018.

[6.] An Adverse Claim was filed by the Attorney-General on 12 January 2021 on behalf of the Minister of Crown Lands (the Crown). The Adverse claim merely asserts that “The Prime Minister of the Commonwealth of The Bahamas as Minister responsible for Crown Lands claims to be beneficial owner in fee simple to all that piece parcel or lot of land.

[7.] The Abstract of the Crown, dated 11 November 2021, provided:

1934

9th January

Conveyance dated 9th January, 1934 and made between W.E. BROWN LAND COMPANY LIMITED “an easement consisting of a strip of land ten feet wide shall be reserved in the rear of each lot or upon the side of certain lots, where indicated by dotted lines upon the plan of Westward Villas Subdivision and First and Second Additional Westward Villas, for the purpose of using the same for wire lines, pipe lines, sewers, water mains, poles and other purposes.”

1977

13 September,

Notice of Intention dated 13 September, 1977 pursuant to The Acquisition of Land Act Ch 196:

“Malcolm Avenue - All that roadway situate in the subdivision known as Westard Villas first and second addition, and which roadway is located immediately south of West Bay Street and 1615 feet eastward of Oxford Avenue described in (1) above, and thence running in a southerly direction for a distance of 945 feet to the southern extremity of road-way described in (10) below”.

1977

25 November,

Notice of Possession dated 25 November, 1977 pursuant to The Acquisition of Land Act Ch 196:

“Malcolm Avenue - All that roadway situate in the subdivision known as Westward Villas first and second addition, and which roadway is located immediately south of West Bay Street and 1615 feet eastward of Oxford Avenue described in (1) above, and thence running in a southerly direction for a distance of 945 feet to the southern extremity of road-way described in (10) below”.

1977

30 December,

Declaration of Vesting dated 30 December, 1977 pursuant to The Acquisition of Land Act Ch 196:

“Malcolm Avenue - All that roadway situate in the subdivision known as Westward Villas first and second addition, and which roadway is located immediately south of West Bay Street and 1615 feet eastward of Oxford Avenue described in (1) above, and thence running in a southerly direction for a distance of 945 feet to the southern extremity of road-way described in (10) below”.

1979

30 August

Conveyance between New Era Builders Limited and Robert Watson-Smyth and Virginia McLeod Watson-Smyth All that piece parcel or lot of land in the Western District of the Island of New Providence being Lot Number Two (2) of Block Number Four (4) in a plan

of the Westward Villas Subdivision and First and Second Addition Westward Villas prepared by W.E. Brown Civil Engineer dated February A.D. 1925 and now filed in the Lands & Surveys Department of the Commonwealth of The Bahamas as Number 21C the said piece parcel or lot of land having such position boundaries shape marks and dimensions as are shown on the said diagram or plan Together With the Benefit of the right of way so far as the Vendor can grant or assign the same over and upon the three several roads leading from West Bay Street to the sea as shown on the Plan of “Cable Beach” filed in the said Land & Surveys Department as Number 21 C subject to the said restrictions and conditions imposed by the W.E. Brown Land Company, Limited so far as the same are still subsisting and capable of taking effect.

1983

26 July

Conveyance between William Robert Watson-Smyth and Virginia McLeod and Mortgage Holdings Limited All that piece parcel or lot of land in the Western District of the Island of New Providence being Lot Number Two (2) of Block Number Four (4) in a plan of the Westward Villas Subdivision and First and Second Addition Westward Villas prepared by W.E. Brown Civil Engineer dated February A.D. 1925 and now filed in the Lands & Surveys Department of the Commonwealth of The Bahamas as Number 21C the said piece parcel or lot of land having such position boundaries shape marks and dimensions as are shown on the said diagram or plan Together With the Benefit of the right of way so far as the Vendor can grant or assign the same over and upon the three several roads leading from West Bay Street to the sea as shown on the Plan of “Cable Beach” filed in the said Land & Surveys Department as Number 21 C subject to the said restrictions and conditions imposed by the W.E. Brown Land Company, Limited so far as the same are still subsisting and capable of taking effect.

TO HOLD to and to the use of the Purchaser SUBJECT to the said restrictions and conditions imposed by the W.E. Brown Land Company Limited so far as the same are still subsisting and capable of taking effect.

Mortgage’s case

[8.] At trial, Mortgage called Chantelle Euteneur and Brett Earl M. Lashley as witnesses in support of its case.

[9.] Chantelle Euteneur settled an Affidavit on 5 October 2021 which provides as follows:

1. That Mortgage Holdings Limited (MHL) is the Petitioner in this matter. That I am the President, Director and Shareholder of MHL and I am duly authorized to make this Affidavit on behalf of MHL. (I now produce and annex here to the Annual Statement of MHL as Exhibit “CE1”).

2. That on 26th July, 1983, MHL purchased Lot No. 2 in Block No. 4 of “Westward Villas” Subdivision by a Conveyance from William Robert Watson-Smyth and Virginia McLeod Watson-Smyth to Mortgage Holdings Limited. This document is recorded in Volume 3953 at pages 111 to 116. The parcel the subject of this action hereinafter referred to as “the above-captioned property (A parcel of land containing 7,377 Sq. Ft. situate on the Eastern Part of Skyline Drive about 130 Feet southwards of West Bay Street in the vicinity of “Westward Villas” Block 4, in the Western District of New Providence Island in the Commonwealth of The Bahamas) has always been used as the parking lot for Lot No. 2.

3. That MHL has always rented Lot No. 2 to restaurants, and the current tenants are the owners of Social House restaurant. Social House and past tenants have always used the above-captioned property as the parking lot for the business which would otherwise be land-locked and inaccessible from the road.

4. That MHL has in its possession a Certificate of Title dated the 10th February, 2009 and filed on the 11th February, 2009 in the Supreme Court Registry in respect of Lot No. 3 in Block No. 4 of “Westward Villas” Subdivision.

5. That MHL has taken care of the above-captioned property since 1983 when the Company purchased Lot No. 2 of Block 4. That since December 9th, 2004 MHL has regularized all Real Property Tax payments which covered the above-captioned property as well as lots 2 and 3. No one else has either worked on or occupied the property without MHL’s consent and/or a lease from MHL.

I now produce and annex hereto as Exhibit “CE 2” a copy of a letter dated 12th July, 2001 from the Ministry of Trade & Industry Valuation/Business/Licencing Authority.

6. That MHL paved the property for the use of the parking lot for Lot No. 2.

7. That no one has ever claimed ownership to the above-captioned property nor has anyone ever told MHL to vacate the property. The said property is in plain sight, bounded by the road Skyline Drive.

8. That the description of the above-captioned property is a parcel of land containing 7,377 Square Feet situate on the Eastern part of Skyline Drive about 130 Feet Southwards of West Bay Street in the vicinity of “Westward Villas” Block No. 4, in the Western District of New Providence Island, in the Commonwealth of The Bahamas on the attached plan.

I now produce and annex hereto as Exhibit “CE 3” a copy of the Survey Plan dated 23rd August, 2017.

9. That the purpose of this Affidavit is to establish the fact that MHL has maintained and taken care of the said property for a period in excess of Thirty (30) years.

10. That the above statements are correct and are true to the best of my knowledge, information and belief save where the source of my information otherwise appears the truth of which I verily believe.

[10.] Brett Earl M. Lashley, settled an Affidavit on 6 January 2021 which provided:

1. That I am 34 years of age, a Deputy Manager in Currency at the Central Bank of the Bahamas, and I am well acquainted with the property on which the restaurant now known as Social House is located.
2. That I have read the affidavit of the late Charles Martin Lashley, (hereinafter referred to as CML) filed herein on the 13th June, 2018.
3. That I have lived in Skyline Heights from 1995 to November 2016 with my parents Caryl Lashley and CML, and I am very familiar with the said property, and am (sic) personally aware of the facts set out in the CML Affidavit.
4. That over the said period that I have resided in Skyline Heights, and since I have moved to Paradise Island, I have frequented the numerous eateries situate in the place which is now known as Social House, and I confirm that the area in front of the eatery, between the eatery and Skyline Drive, has always been used as a parking lot for the said eatery.
5. That this parcel of land is an area of approximately 7,377 square feet in block 4 lot 2(3) Westward Villas in the Western District of the Island of New Providence one of the Islands of the Commonwealth of The Bahamas (hereinafter referred to as “the above-mentioned Property”), and is coloured pink on the attached plan. The current occupiers of the property I know to be the operators of an eatery known as Social House. Previous eateries on that location over the past 20 years, to my recollection, were Skyline Deli and Baci Restaurant, Indigo Cafe, Pot & Cake Restaurant, and Sinfonia Restaurant, to mention a few.

The Crown’s case

[11.] At trial the Crown called Bryan Bynoe (Bynoe) and Charles Zonicle (Zonicle) as witnesses in support of its case.

[12.] Bynoe gave witness statements on 11 February 2021 and 1 March 2021, which provided:

...

6. That the Crown has vested interest in the subject land, having been reserved for a road.
7. The said parcel of land is part of the Skyline Drive (formerly Malcolm Avenue) road reservation. Skyline Drive is a Public Road (Public Right of Way) on the Island of New Providence and thus it is vested in the Treasurer of the Commonwealth of the Bahamas,

now produced and shown to be marked “B.V.B.1” Subdivision Maps, and Lands and Survey Plans.

8. The ownership of Road Reservations must be maintained by Government for future improvement of the roads.

9. Pursuant to section 53. (3) of the Planning and Subdivision Act, 2010 states, “An owner of a subdivision shall complete construction of the subdivision roads and convey the road allowance of the completed roads to the Government within a period of one year from the date of Subdivision Approval unless the subdivision is to be developed a private gated Community”. The Indenture of Coveyance is now produced and shown to be marked “B.V.B.2”

[13.] Charles Zonicle gave a witness statement on 1 October 2021 which provided in part as follows:

1. That I am the Acting Director of Physical Planning in the Department of Physical Planning and the technical advisor to the Town Planning Committee.

2. That my knowledge of the facts herein is derived from the files at the Department of Physical Planning and in my aforesaid capacity. Such facts and matters insofar as they are within my own knowledge, are true; insofar as they are not within my own knowledge, they are true to the best of my information and belief.

3. That the subject land is vested in The Treasurer pursuant to Declaration of Vesting dated 30 December, 1977 now produced and shown to be marked “C.Z.1”. The said parcel of land is part of the Skyline Drive (formerly Malcolm Avenue) road reservation is listed in the Schedules to the said Schedule attached thereto.

4. Also see attached Notice of Possession dated 25 November, 1977 now produced and shown to be marked “C.Z.2”. The said parcel of land is part of the Skyline Drive (formerly Malcolm Avenue) road reservation is listed in the Schedules to the said Schedule attached thereto.

5. And see attached Notice of Intention dated 13 September, 1997 now produced and shown to be marked “C.Z.3”. The said parcel of land is part of the Skyline Drive (formerly Malcolm Avenue) road reservation is listed in the Schedules to the said Schedule attached thereto.

Law, Analysis and Disposition

[14.] Section 3 of the Quieting Titles Act (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 that Act, 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.

[15.] 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."

[16.] 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 the

defendant 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.

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

[18.] The title of the Crown to the property is documentary and they do not allege that they took possession of the property. Likewise Mortgage's claim to this property is possessory and do not purport to claim a documentary title to the property but to the neighbouring lots.

[19.] Mortgage submits in its written submission as follows:

7. Mr. Brett Lashley also gave evidence and he indicated that he is well aware of the subject property and remembers going to eat at that location at different restaurants over twenty years. He says that the restaurants always used the area in the front as parking. Mr. Lashley also adopts the Affidavit of the late Mr. Charles M. Lashley filed the 13th June, 2018 where Mr. Charles Lashley said that he too knew that the subject area was used for parking for well in excess of twenty years. Again, the evidence regarding the length of time the Petitioner was using the subject property went unchallenged.

8. The evidence of Mr. Brian Bynoe was that he is the Surveyor General from 2009 to 2015. In his Witness Statement filed the 1st March, 2021, Mr. Bynoe says that the Crown has vested interest in the subject property. Mr. Bynoe says that the subject property is reserved for a road reservation. Mr. Bynoe in his evidence did not challenge the length of time the Petitioner claimed to be using the property for a parking lot. Also, in Mr. Bynoe's Witness Statement he exhibits a Plan dated the 26th April, 1982 which shows the parking lot, used by the Petitioner, which is the subject matter to this action. Hence, we submit that the Respondent's own evidence shows that the Petitioner was on the subject land for more than thirty years.

9. Mr. Charles Zonicle's evidence went unchallenged. Mr. Zonicle never in his Witness Statement claimed that the Petitioner was not on the subject land for less than thirty years (30).

10. The Petitioner submits that the fact that the subject property was reserved for a road reservation is immaterial to its more than thirty (30) years' uninterrupted use of the property. Also, the Respondent has not shown where the government intended to use the Road reservation. The Court visited the locus and it is clearly seen that the area, where the subject land is located, is fully developed. Hence, there is no further need for more infrastructure. We hereby remind the Court that in visiting the locus it can plainly be seen that should the government wish to use the road reservation it would have to destroy very many houses in the area and none of the buildings would have parking.

[20.] The case is to be resolved on the determination of effective date of this investigation. Mortgage, in reliance on the Limitation Act 1995, asserts that the effective date of the investigation is the thirty year period leading to the date of the filing of the Petition in this claim, namely 17 May 2018. The Crown asserts a limitation period of 60 years.

[21.] Section 16 of the Limitation Act 1995, provides :

16. (1) Subject to subsection (2), no action shall be brought by the Crown to recover any land after the expiry of thirty years from the date on which the right of action accrued to the Crown or, if it first accrued to some person through whom the Crown claims, to that person:

Provided that the time for bringing an action to which the provisions of this section apply in respect of a cause of action which has accrued before the commencement of this Act, shall, if it has not then already expired, expire at the time when it would have expired apart from those provisions:

Provided further that the time when the cause of action would have expired as aforesaid shall not exceed thirty years from the date of commencement of this Act.

[22.] I am satisfied however, that the period is not 30 years as Mortgage asserts but the 60 year period relied on by the Crown.

[23.] Mortgage asserts that it entered into possession in 1983, prior to 31 August 1995 (the coming into force of the Limitation Act 1995) the relevant period for consideration would be the period which pertained under the limitation act in place at that time. The Real Property Limitation (Crown) Act 1873 had been in effect up to 31 August 1995. The Real Property Limitation (Crown) Act 1873 provided at section 2:

2. The Queen shall not at any time hereafter sue, impeach, question or implead any person or persons for or in any wise concerning any lands, tenements, rents or hereditaments whatsoever, or for or in any wise concerning the revenues, issues or profits thereof, or make any title, claim, challenge or demand of, in or to the same, or any of them, by reason of any right or title which hath not first accrued and grown, or which shall not hereafter first accrue and grow, within the space of sixty years next before the filing, issuing or commencing of every such action or other suit or proceeding, as shall, at any time or times hereafter be filed, issued or commenced for recovering the same or in respect thereof.

The limitation period which was in place prior to 1995 was therefore 60 years in accordance with the Real Property Limitation (Crown) Act 1873.

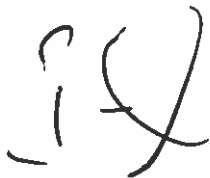
[24.] The cause of action of the Crown, to challenge Mortgage's occupation of the property would have accrued in 1983 (when the occupation is alleged to have initially taken place) and would therefore expire in 2043 (being 60 years from 1983). This is consistent specifically with the Proviso to Section 16 of the Limitation Act 1995 and with the general common law (*See Petition of Simon Rodehn 2003/CLE/qui/00931 (Unreported)*). The further Proviso to Section 16 does establish a final expiration date of 30 years, to 2025, for actions by the Crown, which would have accrued prior to the 1995. Unfortunately for Mortgage this does not assist its Petition.

[25.] In the circumstances, I must dismiss the Petition of Mortgage.

[26.] It is regrettable that Mortgage has been paying, and the Crown collecting, real property tax on the subject property for a considerable period. Notwithstanding the breath of the government, its respective arms need to better work together to avoid such conflicts. The flip side obviously is that Mortgage has had use of the property during the period without paying any compensation therefor.

[27.] In all the circumstances I make no order as to costs.

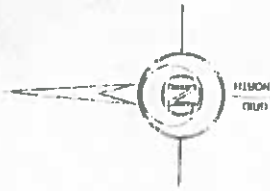
Dated this 12th day of January 2023

A handwritten signature in black ink, appearing to be 'I R Winder', written in a cursive style.

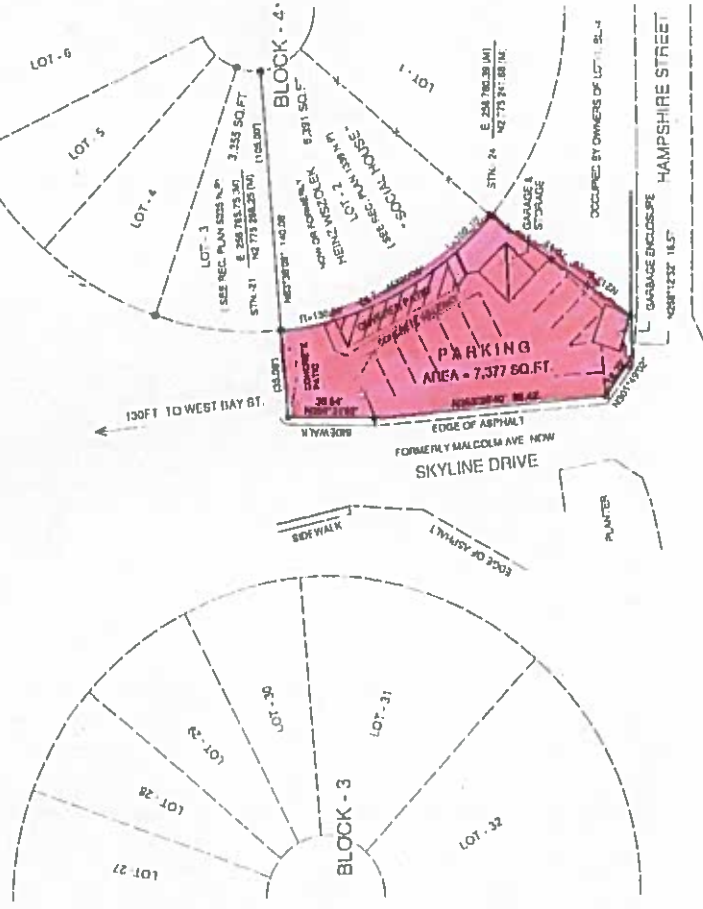
Sir Ian R. Winder

Chief Justice

APPENDIX (A)

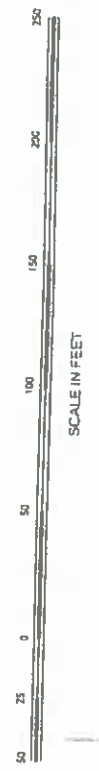


WEST BAY STREET
(WEST BOUND LANE)



CHECKED BY: _____
SURVEYING & MAPPING SECTION

APPROVED BY: _____
SURVEYING & MAPPING SECTION



CERTIFICATE

I, PATRICK B. JOSEPH OF BARBAU, 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 THE SURVEY ARE IN ACCORDANCE WITH THE SURVEYORS ACT, 1975 AND THE LAND SURVEYORS REGULATIONS, 1978 MADE THEREUNDER.

Patrick Joseph
REGISTRAR, BARBAU

RECORDED IN THE DEPARTMENT OF LANDS & SURVEYS IN THE OFFICE OF THE REGISTRAR, SECTION 3 OF THE LAND SURVEYORS ACT, 1975 AS PLAN NO. _____ THIS DAY OF _____ 2017

ACTING SURVEYOR GENERAL

NOTE

- ♦ DENOTES A BOUNDARY MARKER FOUND
 - DENOTES A BOUNDARY MARKER SET
 - DENOTES A CONCRETE BLOCK WALL
 - DENOTES A WIRE FENCE
- REFERENCE MADE TO PLAN OF WESTWARD VILLAS BY W. BROWN GRID CONNECTION MADE TO RECORDED PLAN 5035 N.P.

<p>SURVEY PLAN SHOWING A PARCEL OF LAND CONTAINING 7,377 SQ. FT. SITUATE ON THE EASTERN PART OF SKYLINE DRIVE ABOUT 130 FEET SOUTHWARDS OF WEST BAY STREET IN THE VICINITY OF WESTWARD VILLAS BLOCK - 4 IN THE WESTERN DISTRICT OF NEW PROVIDENCE ISLAND IN THE COMMONWEALTH OF THE BAHAMAS</p>		<p>SURVEYED AT THE INSTANCE OF MR. HEINZ WISZOLEK</p>	
<p>CHEE-A-TOW & COMPANY LIMITED</p>		<p>DATE 20th AUGUST 2017</p>	
<p>SURVEYORS, ENGINEERS & PLANNERS</p>		<p>JOB NO. 7930H / 2017</p>	
<p>SCALE 1 INCH = 50 FEET</p>		<p>MASSAU, BAHAMAS</p>	
<p>SURVEYED BY P.J.</p>	<p>DATE</p>	<p>CHECKED BY</p>	<p>DATE</p>