

**COMMONWEALTH OF THE BAHAMAS**

**IN THE SUPREME COURT**

**Common Law and Equity Division**

**2023/CLE/qui/00219**

**IN THE MATTER OF all that piece parcel or tract of land situate at the Settlement of “Dean’s” approximately four (4) miles West of Clarence Town in the Island of Long Island one of the Islands of the Commonwealth of The Bahamas comprising Three hundred and Four and Sixty-five thousandths (304.065) acres**

**IN THE MATTER OF the Petition of THREE ANGLES BROADCASTING NETWORK, INC.**

**Before: The Honourable Chief Justice Sir Ian R. Winder**

**Appearances: Luther McDonald, KC with Keri Sherman and Rashea Newbold for the Petitioner  
Bradley Cooper for the Adverse Claimant  
Norwood Rolle for the Applicant Dale Elizabeth Wood-Thompson**

**Hearing date(s): 24 June 2025**

**DECISION**

## WINDER, CJ

This is the application of Dale Elizabeth Wood-Thompson (as Executrix and Personal Representative of the Estate of the late Ethel Eliza Wood née Adderley) by Notice of Motion, for an Order pursuant to the provisions of Section 7 of the Quieting Titles Act, 1959 (QTA) to be served with Notice of these proceedings.

[1.] The Petition, together with the supporting Affidavit, Abstract of Title and Plan, were filed on 17 March, 2023. Directions were given by this Court on 18 July, 2023. Notice of these proceedings came to the attention of the Applicant. As a result of that Notice, Counsel for the Petitioner, Keri Sherman met with attorneys Rachel Culmer and Norwood Rolle, who were acting for the Applicant. At the meeting the Petition and Plan were reviewed to ascertain any potential claims the Applicant may have to the subject land.

[2.] In her evidence in support of her application, the Applicant acknowledged that she decided not to file an adverse claim on the understanding that her property was not included in the filed plan. She stated at paragraphs 6-7 of her evidence that:

6. In or about sometime in 2024/2025, the Petitioner by its servants and/or agents without my consent or permission wrongfully appeared on my property and used a tractor to clear the same by removing the foliage and shrubbery and installed a road thereon.

7. I am the owner of the land described, shown and delineated on the Plan attached hereto...

[3.] According to the evidence on behalf of the Petitioner, in the Affidavit of Emma Van Wynan, at paragraphs 10-14:

10. Following that meeting, Ms. Sherman on behalf of the Petitioner forwarded the Abstract of Title to Ms. Thompson's then-attorney, Mrs. Culmer. Additionally, before the filing of the present Notice of Motion, Mrs. Culmer also met with the land surveyor engaged by the Petitioner, Mr. Ledee, to identify the boundaries of the land her client claimed to have an interest in.

11. After that meeting, Mrs. Culmer expressed that her client claimed to have grown up on a portion of Tract B, which is adjoined to the subject land. Notably, Tract B is one of three tracts of land acquired by the Petitioner through its purchase of the land and has obtained.

12. Upon the filing of Ms. Thompson's Notice of Motion and supporting Affidavit, which exhibited her purported Abstract of Title and a Plan of her purported interest in the land, the Petitioner's attorneys – Luther H. McDonald, KC, Ms. Sherman and Rashea Newbold

– reviewed the materials and convened a meeting with Mr. Rolle, current counsel for Ms. Thompson.

13. During that meeting, Mr. Rolle indicated that Ms. Thompson now claimed an interest in a greater portion of the land than previously indicated.

14. On 3<sup>rd</sup> June, 2025, the Petitioner’s attorneys met with Mr. Ledee to compare the Plan attached to Ms. Thompson’s Affidavit with the Petitioner’s Plan filed herein. Upon analysis, it became apparent to the Petitioner’s attorneys that the area Ms. Thompson refers to in paragraph 6 of her Affidavit, in which she refers to the Petitioner and or its agent clearing and installation of a roadway, is located on Tract B, and not on any part of the land the subject of the Petition in these proceedings.

15. Further review of purported Title documents provided by Mr. Rolle revealed that under the Last Will and Testament of Eliza Woods (dated 20<sup>th</sup> October, 2015), Ms. Thompson’s claim is derived from an alleged interest in a 24-acre parcel, of which Ms. Woods may have, at best, held a 1/3 interest.

16. In support of her Motion, Ms. Thompson attached a Plan shaded to depict a 45.89-acre parcel that was commissioned by Wellington Adderley Esq., father of David Adderley, the Petitioner’s predecessor in title.

[4.] Proceedings in this Petition came on for hearing on 24 and 25 October, 2024, 11 November, 2024 and 13 – 15 January, 2025. The visit to the locus in quo took place on 20 March, 2025. No steps were taken by the Applicant to participate in the proceedings, to which she was aware, notwithstanding her statements that she saw activity by the Petitioner on the land since 2024.

[5.] Section 7(1) of the QTA empowers the Court to direct that notice of a petition be served on any person who appears to have an interest in the land the subject of the petition. Section 7(1) provides:

*“7. — (1) Where it appears that there is or may be any person, known or unknown, who may have dower or a right to dower or a claim adverse to or inconsistent with that of the petitioner in to or in respect of the whole or any part of the land mentioned in the petition, the court shall direct a notice to be sent by registered post to or to be served personally on that person, his attorney or agent or be published in such newspaper or newspapers published either within or without The Bahamas, or both, or to be served in such manner as the court may in any particular case decide. Such notice shall be in such form and shall contain such particulars as shall be prescribed by the rules and shall state the time within which any adverse claims must be filed....*

[Emphasis mine]

[6.] In *Re South Shore Investment Co Ltd* [1965-70] 2 LRB 67 the Court recognized its duty, pursuant to section 7(1) of the QTA to require that notice of a petition be served on any person who may have an interest in the land subject to the petition. Smith J stated:

Section 7(1) places upon the court the duty of issuing notices to those who appear to the court to have a claim but who are not before the court as adverse claimants; and this notice, as I understand the subsection. may issue at any time up to final judgment.

In *Bain v Nassoak Ltd et Al* (“*Bain*”) *BS 1999 SC 122*, Sawyer CJ (as she then was) stated:

“It is to be noted, however, that in each of those cases, there was before the learned trial judge, *an affidavit and exhibits which showed a prima facie interest in the land the subject of the quieting action.*”

[7.] The Petitioner rightly points out that the Applicant has, on two separate occasions, been notified of these proceedings.

[8.] Having reviewed the evidence advanced in support of the application, I am not satisfied that the Applicant has demonstrated any *prima facie* interest in the land the subject of these proceedings sufficient to warrant the issuance of notice under section 7(1) of the QTA. I agree with the assessment of the Petitioner, that any alleged interest that the Applicant may have to property in this area, likely relates to the separate parcel also owned by it, namely, Tract B. Tract B does not form part of the land currently being quieted. The Applicant was provided with actual and constructive notice of these proceedings and there is no case to be made for Notice of these proceedings to be served upon her.

**Dated this 5<sup>th</sup> day of November 2025**



**Sir Ian R. Winder**

**Chief Justice**