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COMMONWEALTH OF THE BAHAMAS
IN THE COURT OF APPEAL
SCCivApp & CAIS No. 61 of 2011

Leonard Roberts
Appellant

And

Sylvia McPhee
Respondent

(Substantive Appeal)

Before: The Hon Mrs Justice Allen, President
The Hon Mr Justice Blackman, JA
The Hon Mr Justice Conteh, JA

Mr Donovan Gibson, with Mr Wayne Munroe, Counsel for
Appellant
Mr Charles Mackay, Counsel for Respondent

2 July 2012

1 The oral judgment of the court was delivered by

2 Allen, P:

3 After hearing counsel for the appellant and counsel
4 for the respondent, the court finds that this is not a
5 Quieting Titles petition action but a partition action under
6 sections 3 and 4 of the Partition Act. We find therefore that
7 the learned judge was wrong in determining this matter in
8 accordance with the Limitation Act. The court therefore
9 allows the appeal and makes the following order:

10 The property be sold and after paying to the
11 appellant the amount paid by him on the mortgage during the
12 absence of the respondent, the proceeds net of legal fees and
13 other expenses be distributed equally between the appellant
14 and the respondent.

15 The order for costs in the court below is set aside.
16 We make no order as to costs on the appeal.

17 We grant liberty to apply if there are any problems
18 which arise and require resolution relative to the order that
19 we have made.

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22 Dated this 2nd day of June, 2012

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ALLEN, P