

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX

KAREN A. SOLIS, WILBUR A. FRANCIS and
BRIAN ALPHONSE,

Plaintiffs,

vs.

KAREN C. PHAIRE, ALFREDO CHRISTIAN
and DUTHIA MARRERO and anyone claiming
an interest in Plot No. 13 Hill Street, St. Croix
U.S. Virgin Islands,

Defendants.

CIVIL CASE NO.: SX-16-CV-443

**ACTION FOR ADVERSE
POSSESSION AND QUIET TITLE.**

MEMORANDUM OPINION

THIS MATTER came on for a Hearing on June 27, 2017 on the merits of Plaintiffs' Complaint. Plaintiffs personally appeared and were represented by Attorney Lydia Logie Moolenaar. Default was previously entered against all Defendants. Plaintiffs' oral Motion to amend their Complaint to conform to the evidence was granted, substituting all references to "Plot No. 3 Hill Street" with the corrected reference to "Plot No. 13 Hill Street, Christiansted, St. Croix, Virgin Islands" ("the Property"). All Plaintiffs testified at the Hearing, and various exhibits were introduced into evidence. As a result of the Hearing the Court makes the following

FINDINGS OF FACT

1. Plaintiff Karen A. Solis was grantee of a Deed of Gift to the Property from her grandmother, Karen C. Phaire, which was recorded March 25, 1994 at PC 501, Page 420, as Document No. 1680/1994. The legal description of the Property is:

Plot No. 13 Hill Street, Town of Christiansted, St.
Croix, U.S. Virgin Islands, as more fully shown on
Measure Brief filed with the Office of the Lieutenant
Governor, U.S. Virgin Islands dated June 18, 2010.

2. Karen C. Phaire was grantee of a Deed to the Property from William F. Moorhead, Vendue Director and at the request of Duthia Marrero and Alfredo Christian, which was recorded September 20, 1956 at PC III, Page 407, as Document No. 293. Alfredo Christian and Duthia Marrero did not execute that Deed to Karen C. Phaire.
3. Plaintiff Wilbur A. Francis was grantee of a Quitclaim Deed to the Property from his mother Karen A. Solis, which was recorded June 21, 2010, at PC 1236, Page 471, as Document No. 2010002365.

4. From the time she received the Deed of Gift in March, 1994, until she deeded the Property to Wilbur Francis in June, 2010, Karen A. Solis physically possessed the Property without interruption continuously, under her claim of ownership of title, adverse to claims of all other persons. She made her ownership known to adjoining neighbors of the Property, regularly cut and maintained vegetation and paid all taxes on the Property. No person ever challenged or disputed her right to possession or ownership of the Property.
5. Both prior to leaving St. Croix for college in 1972 and after her return home thereafter, Plaintiff Karen A. Solis accompanied her grandmother Karen C. Phaire to the Property. Before 1972, the Property included rental units and Plaintiff Karen A. Solis went with her grandmother to collect rents which were kept solely by Karen C. Phaire. Neither before nor after Karen C. Phaire tendered the 1994 Deed of Gift to Plaintiff Karen A. Solis, did Alfredo Christian or Duthia Marrero or any other person ever challenge or dispute the ownership of Karen C. Phaire or Karen A. Solis, nor did any such person make any claim of ownership interest.
6. From the time he received the Quitclaim Deed in June, 2010, until he deeded the Property to Brian Alphonse in December, 2014, Wilbur A. Francis physically possessed the Property without interruption, continuously, under his claim of ownership of title, adverse to claims of all other persons. He made his ownership known to adjoining neighbors of the Property, regularly cut and maintained vegetation and paid all taxes on the Property. No person ever challenged or disputed his right to possession or ownership of the Property.
7. Plaintiff Brian Alphonse was grantee of a Warranty Deed to the Property from Wilbur A. Francis, which was recorded December 16, 2014, at PC 1388, Page 401, as Document No. 2014004237.
8. A Summons directed to: "Karen C. Phaire, Alfredo Christian, Duthia Marrero and anyone claiming an interest in Plot No. 13 Hill Street, St. Croix," was published in the St. Croix Avis on October 18, 2016, October 25, 2016, November 1, 2016 and November 8, 2016, notifying that such persons were required to appear before the Court to answer Plaintiffs' petition for adverse possession of the Property.
9. No person has appeared in this action to challenge Plaintiffs' claims of uninterrupted, notorious possession of the Property under claim of ownership.

Memorandum Opinion

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10. Based on the presentation of clear and convincing evidence, Plaintiff Karen A. Solis and Plaintiff Wilbur A. Francis have established that they have had uninterrupted, exclusive, actual, physical, continuous and notorious possession of the Property, adverse to any claims of Alfredo Christian, Duthia Marrero, and other persons, since March 1994.

On the basis of the foregoing, the Court makes the following

CONCLUSIONS OF LAW:

1. Plaintiff Karen A. Solis became owner of Plot No. 13, Hill Street, Christiansted, St. Croix V.I. by virtue of Deed of Gift from Defendant Karen C. Phaire, recorded March 25, 1994; and by her adverse, uninterrupted, exclusive, actual, physical, continuous and notorious possession, under claim or color of title, for more than 15 years, such that, pursuant to V.I. CODE ANN. tit. 28, § 11, title was conclusively established in her name as of March 25, 2009; and
3. By the conveyance of the Property by Plaintiff Karen A. Solis to Plaintiff Wilbur A. Francis, and the subsequent conveyance from Plaintiff Wilbur A. Francis to Plaintiff Brian Alphonse by Warranty Deed recorded December 16, 2014, at PC 1388, Page 401, as Document No. 2014004237, Plaintiff Bryan Alphonse is conclusively determined to be the sole title owner of the Property, entitled to judgment quieting title in his name.

A Judgment Order consistent with this Memorandum Opinion will issue herewith.

DATED: June 28, 2017.

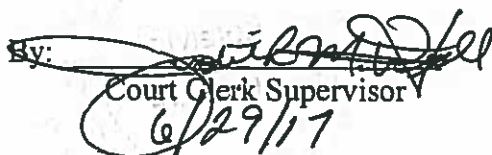

DOUGLAS A. BRADY, JUDGE

ATTEST: ESTRELLA H. GEORGE
Clerk of the Court

CERTIFIED TO BE A TRUE COPY
This 28th day of July, 2017


ESTRELLA H. GEORGE
CLERK OF THE COURT

By  Court Clerk

By: 
Court Clerk Supervisor
6/29/17

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JUDGMENT ORDER

In light of the Memorandum Opinion of even date and the record before the Court, and finding by clear and convincing evidence that the Plaintiffs are entitled to Judgment as a matter of law quieting title to the below described Property to Brian Alphonse, it is hereby

ORDERED that Plaintiffs Karen A. Solis, Wilbur A. Francis and Brian Alphonse, having proven, by clear and convincing evidence, a conclusive presumption to title to the following real property, by adverse possession pursuant to V.I. CODE ANN. tit. 28, § 11:

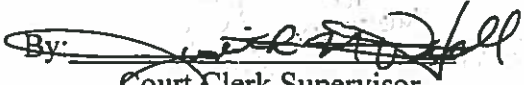
Plot No. 13 Hill Street, Town of Christiansted, St.
Croix, U.S. Virgin Islands, as more fully shown on
Measure Brief filed with the Office of the Lieutenant
Governor, U.S. Virgin Islands dated June 18, 2010.

It is further

ORDERED that by virtue of Warranty Deed recorded December 16, 2014, at PC 1388, Page 401, as Document No. 2014004237, TITLE to the foregoing Property is QUIETED in the name of Plaintiff BRIAN ALPHONSE, in fee simple absolute.

DATED: June 28, 2017.

ATTEST: ESTRELLA H. GEORGE
Clerk of the Court

By: 

Court Clerk Supervisor

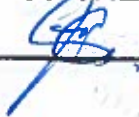
6/29/17


DOUGLAS A. BRADY, JUDGE

CERTIFIED TO BE A TRUE COPY

This 6th day of July 20 17


ESTRELLA H. GEORGE
CLERK OF THE COURT

By  Court Clerk