## IN THE REPUBLIC OF TRINIDAD AND TOBAGO

#### CHRISTOPHER ROSS GIDLA

#### ATTORNEY AT LAW

#### GIC2006148

#### #18-20 Pembroke Street

#### PORT OF SPAIN

### IN THE HIGH COURT OF JUSTICE

Claim

**LEON RENWICK OJOE**

**Claimant**

**AND**

**Defendants**

**\* \* \* \* \***

**Affidavit in support**

I **LEON RENWICK OJOE** of #49 LACKPAT ROAD,EL DORADO, TUNAPUNA, in the Island of Trinidad make oath and say as follows:-

1. I am the Claimant herein.
2. The house that is the subject matter of this application is a House situated at 49 LACKPAT ROAD, EL DORADO, TUNAPUNA comprised 6 bedrooms with three bedrooms and three bedrooms downstairs, on lot of land situate in the ward of Tacarigua, in the Island of Trinidad, being part of the El Dorado new Estate comprising FIVE THOUSAND ONE HUNDRED AND FORTY-THREE SUPERFICIAL FEET and bounded on the North by El Dorado Estate on the South by Lackpat Road, on the East by Lot No.370 of El Dorado New Village and on the West by Lot No.372 of El Dorado New Village; Which said piece or parcel of Land is delineated and known as Lot no. 371 on the General Plan annexed to a Deed and made between Trinidad Sugar Estates Limited of the One par and Rita del la Bastide of the Other Part and is registered as No.15506 of 1960 together with the building thereon and appurtenances thereto belonging.(hereinafter called the “disputed land”).
3. The Claimant’s parents Esther Ojoe and Leon Ojoe senior,owned two parcels of land at Lackpat Road, Tunapuna. Jointly by virtue of a deed made in 1972.
4. At that time there was a tapia and wooden house on the parcel of land in which the Claimant resided together with his brothers Fenwick, Kelvin, Kenrich (now deceased) and his two sisters Roslyn and Irene.
5. The claimant was at that time managing Orient Recreatin Club at the Independence Square, Port of Spain.
6. In the year 1972 the Claimant’s parents went to live in USA. The Claimant had an agreement with the parents that he would construct a house on the land and his brothers could live in there temporarily and later the claimant could own the land and house he built.
7. The Claimant had an agreement with Moosai Hardware to build a new house and the Moosai hardware would give him the material and he could pay them in instalments.
8. The house took seven years to build and the instalments for the material was entirely provided by the Claimant without any assistance either from the parents or the claimant’s siblings.
9. The Claimant’s parents returned to Trinidad in 1976 about 2 months after and moved into the house. The Claimant’s mother died in 1984, and the father died 30th of November, 1988 intestate.
10. In the year 2004 the estate of the the claimant’s father Mr. Renwick Ojoe was probated and the the probate had a mistake. The probate was in the process of rectifying the mistake.
11. But the Claimant agree to the rectification. Since then the Defendants are making nuisance in the property
12. That the Grandmother of the Claimant Late RUBY SIMMONS at the time of her death was seised and possessed of the disputed land in fee simple
13. The Deceased died on the 11th day of April, 2006 after having made and published her Will dated the 13th of May, 2005 whereof she appointed the Claimant the sole executor and thereby devised and bequeathed the disputed land for his absolute use and benefit.
14. That through the deed of assent no DE 200700555779 the dispute lands was conveyed to the claimant from the administrator Carlyle Ambrose Serrano of 141 Edward Street, in the City of Port of Spain to the Claimant after the letters of administration with will annexed of the disputed lands were granted by the High Court on 12th January, 2007. A true copy of the deed is annexed hereto and marked ‘A’.
15. That the Defendant was residing in the house which is situated at the rear with the access from Jameson Street.
16. The Defendant has no license or legal or equitable rights to the said premises and they are not tenants or tenants at will nor is there any Statutory Provisions which affect the said lands.
17. Inspite of several requests from the claimant the Defendant refused to vacate the premises.
18. In the circumstances the Claimant is asking the Honourable Court to give him possession of the premises, which he is entitled to by law.

**I HEREBY** certify that all the facts set out in the Claimant’s Statement of Case are true to the best of my knowledge, information and belief and the Claimant is entitled to the relief claimed.

Sworn to at

Port of Spain this day

of 2008.

Before me,

Commissioner of Affidavits