**A COMMISSION OF INQUIRY**

**INTO HISTORIC LAND LOSS**

**IN BERMUDA**

**CHAIRMAN**

**MR. WAYNE PERINCHIEF**

**JUSTICE NORMA WADE-MILLER (Recused)**

**COUNSEL**

**MR. DIRK HARRISON**

**COMMISSIONERS**

**MR. JONATHAN STARLING**

**MR. QUINTON STOVELL (Recused)**

**MS. LYNDA MILLIGAN-WHYTE (Recused)**

**MS. FREDERICA FORTH (Recused)**

**MS. MAXINE BINNS (Recused)**

**TRANSCRIPT OF PROCEEDINGS**

**LOCATION: UNKNOWN**

**FRIDAY, FEBRUARY 5, 2021**

**MORNING SESSION (b)**

(Continuation from Morning Session a)

**MR. WAYNE PERINCHIEF** 0:02: Oh, yes Commission had adjourned for 15 minutes. We will now resume and Counsel if you would lead the witnesses.

**COUNSEL DIRK HARRISON** 0:11: Thank you very much. Now Ms. Franco, we were speaking, we're on page three of the Exhibit VF4 and you have taken us through the first note and also indicated who to your knowledge presently occupies what is displayed as No.11 in the delineated area in red, could I ask you to take us in?

**MS. VELDA FRANCO** 1:02: As far as I know, Counsel, Mr. Kevin Manual Cabral.

**COUNSEL DIRK HARRISON** 1:07: Thank you very much. Now, based on the note that appears George Stanford Llewellyn Hollis where is he just passed.

**MS. VELDA FRANCO** 1:28: Just passed Counsel.

**COUNSEL DIRK HARRISON** 1:31: This year?

**MS. VELDA FRANCO** 1:33: Last year September.

**COUNSEL DIRK HARRISON** 1:35: Condolences. At the time of his passing, where did he reside however?

**MS. VELDA FRANCO** 1:45: He did not reside at this property Counsel, he resided at No.12 Morris Lane, Pembroke.

**COUNSEL DIRK HARRISON**  1:53: Thank you. So respect of what we'll get to certainly, Mr. John Stanford Llewellyn Hollis, he never occupied nor did he benefit from the testamentary gift that, he did not.

**MS. VELDA FRANCO** 2:17: That's correct Counsel, he did not.

**COUNSEL DIRK HARRISON** 2:24: Could you continue please 1.1

**MS. VELDA FRANCO** 2:27: The above-mentioned persons named on this notice purchased the property from James Appleby Pearman please note I was unable to find any other records registered at the Land Title Registry Office other than to memorandum of further charge mentioned below for Mr. Kevin Manuel Cabral.

**COUNSEL DIRK HARRISON** 2:50: And above it indicates North apartment and is that an assessment number?

**MS. VELDA FRANCO** 2:55: That's correct.

**COUNSEL DIRK HARRISON** 2:56: Could you just read the assessment number for me please?

**MS. VELDA FRANCO** 3:01: The Assessment number, actually owns the whole property Counsel. So assessment No. 123726018. For the North Apt at Boss's Cove, Pembroke, HM 01.

**MR. WAYNE PERINCHIEF** 3:23: Just for clarity. Would you repeat that assessment number for North Apartment please witness?

**MS. VELDA FRANCO** 3:29: Yes. 123726018.

**MR. WAYNE PERINCHIEF** 3:40: My copy shows a "1" missing, I wonder what was correct.

**COUNSEL DIRK HARRISON** 3:45: Chairman if you scroll up above the Google map? The one is there. But what appears below the witness appears she can answer has typed it into the assessment numbers there that she had referred to earlier, which is correct. Ms. Franco what appears above in **blue** or what appears below the map.

MS. VELDA FRANCO 4:07: What appears above the map from the land valuation.

**MR. WAYNE PERINCHIEF** 4:10: Yes. I'll make the correction on the copy. Thank you. Thank you. My eyes aren't that good.

**COUNSEL DIRK HARRISON** 4:20: Better than mine. You may continue on.

**MS. VELDA FRANCO** 4:44: **Page 4: 1.** Memorandum of further charge dated the 29th of July 2003. We've scheduled attach for Kevin Manuel Cabral with The Bank of Bermuda Limited.

 **1.3:** Memorandum of further charge dated the 2nd January, 2013, with schedule attached for Kevin Manuel Cabral with The Bank of Bermuda Ltd.

 **1.4**: South apartment one two Assessment No. 123737014 The above-mentioned property is currently owned by Barbara Patricia Cabral and Patricia Pimentel. The above-mentioned persons named on this notice purchased the property from the estate of Bertha May Burgess, Global Trust Company Limited. Please note I was unable to find any other records registered at the Land Title Registry office.

**COUNSEL DIRK HARRISON** 6:03: Thank you and just confirming that the assessment number that appears on page two is the same as it appears on page four. Could you take us to Page 5?

**MS. VELDA FRANCO** 6:41: **Page 5 2:** #9 Boss's Cove Road, Pembroke HM 01, the Estate of Anna Amelia Wood willed to her daughter Grace Charlotte Philips Oates nee Wood. Also on this page are two (2) pages taken from the land valuation site with the assessment numbers for lower apartment and upper apartment.

**COUNSEL DIRK HARRISON** 7:12: Crave Indulgence. Please go ahead madam.

**MS. VELDA FRANCO** 7:37: Page 6.

**COUNSEL DIRK HARRISON** 7:40: Before you take us to Page 6 on page 5 of your PowerPoint presentation, there is a red line delineated around a house that has No. 9 on top What are you trying to, what are you sharing with us there?

**MS. VELDA FRANCO** 8:02: So Lot #9 is located at Boss's Cover. This is also part of the Estate of Anna Amelia Wood willed to her daughter Grace Charlotte Philipps Oates nee Wood.

**COUNSEL DIRK HARRISON** 8:17: What is displayed on the screen before you had shown us No. 11. So this is another house that you are now showing as part of the estate?

**MS. VELDA FRANCO** 8:28: That's correct Counsel.

**COUNSEL DIRK HARRISON** 8:32: And can I ask and I will, is this area prime real estate or is it some in some other category?

**MS. VELDA FRANCO** 8:42: It is prime real estate your Counsel because it has water rights and it's in a very affluent area.

**COUNSEL DIRK HARRISON** 8:52: Thank you. Now this Google impression the map that is displayed below what are you bringing to our attention with regard to this one madam?

**MS. VELDA FRANCO** 9:10: As you see on the map below on the left hand side of the water, you will see properties Lot number 15 13 and

**COUNSEL DIRK HARRISON** 9:17: Not so fast madam. Where is 15, yes?

**MS. VELDA FRANCO** 9:25: Lot #13 is a property that we currently own, live and occupy which has nothing to do with this proceedings. For reference only. Lot #11 is the property that I spoke prior about which was the homestead of Anna Amelia Wood and part of her will that was to her daughter Ms. Grace Charlotte Philipps Oates nee Wood so Nos. 11, 9 and 18 and 7 is part of this inquiry and question.

**COUNSEL DIRK HARRISON** 10:06: Good just ask you to I'm going to use a cursor I hope you can see it. #15 is part of we haven't gotten there, sorry not there yet #15 is not part of?

**MS. VELDA FRANCO** 10:27: For reference #15 and #13 is on the same property that is currently owned by our family.

**COUNSEL DIRK HARRISON** 10:37: But #15 you are not making any claim at this time? And #13 you are not making a claim?

**MS. VELDA FRANCO** 10:50: No neither at this time. Counsel that's right. As per reference only so that you can see that we started at #13 and #11 that we own the property, and the rest of the property is now in question.

**COUNSEL DIRK HARRISON** 11:07: #11 is that's the first item you took us to? #11. Boss’s Cove Road. #9 is a part of it?

**MS. VELDA FRANCO** 11:18: Yes Counsel.

**COUNSEL DIRK HARRISON** 11:20: #7 is a part of it.

**MS. VELDA FRANCO** 11:21: Yes Counsel.

**COUNSEL DIRK HARRISON** 11:23: #18 which is between #9 and #11. But behind and whichever one, that is it?

**MS. VELDA FRANCO** 11:34: That is it for now Counsel.

**MR. QUINTON STOVELL** 11:36: Excuse me. Was it just testified earlier that 16 was also a part?

**MS. VELDA FRANCO** 11:44: No.

**MR. QUINTON STOVELL** 11:45: Okay. Thank you.

**COUNSEL DIRK HARRISON** 11:47: So just for emphasis #15 is just to give us context of what we are speaking about. #13 you presently reside in; #11, #9 and #18.

**MS. VELDA FRANCO** 12:06: #7.

**COUNSEL DIRK HARRISON**  12:07: So #11, #9, #7 and #18. Thank you.

 I had asked earlier question of you which you had answered. The question was in respect of what you have referenced to us by way of Google Map representation regarding #11, #9 and I'll call them Lots for now for wanting a better term. You had answered that you are of the opinion that these areas are prime real estate for the being in an affluent area access to the beach or not a beach but waterway, my words. My question now, in respect of what is referenced on the map as #7 and #18, do we share the same opinion that they are also in primary state area or something different or different area?

**MS. VELDA FRANCO** 13:48: Counsel they are in prime real estate area?

**COUNSEL DIRK HARRISON** 13:53: Thank you. And could you just assist us I'm going to take you to the earlier, not the earlier just the slide before as shown. There are two (2) 13s, could you assist us if that is an error below Boss's Cove Road to the left #11 there's #13.

**MS. VELDA FRANCO** 14:39: #13. The other #13 is Shaw Wood Road.

**COUNSEL DIRK HARRISON** 14:50: Yes one is but you have numbered both 13, is there a particular reason for that?

**MS. VELDA FRANCO** 14:57: This is why it is displayed on the Government Website.

**COUNSEL DIRK HARRISON** 15:02: Nothing to do with you at all.

**MS. VELDA FRANCO** 15:03: No Counsel.

**COUNSEL DIRK HARRISON** 15:04: Thank you very much. But just for reference 13 that you're making reference to. Here is the one that is called Boss's Cove Road correct?

**MS. VELDA FRANCO** 15:20: Yes, Counsel.

**COUNSEL DIRK HARRISON** 15:36: Could you continue please madam?

**MS. VELDA FRANCO** 15:40: **Page 6.** Property was willed to Ms. Grace Charlotte Philipps Oates nee Wood on her death in her Last Will and Testament dated 10th February 1956. Left the property to her niece, my grandmother, great grandmother, Charlotte Alice Wood nee Wellman. Miss Charlotte Alice Wood nee Wellman on her death in her Last, Will and Testament dated 7th February, 1967, to George Stanford Llewellyn Hollis fee simple to her grandson.

 **2.1**: The property is currently owned by Victor Bento Korea. Please note I was unable to find other records registered at the Land Title Registry office.

 **2.2** Letter from Madeiras Law Office dated 12th March, 1987. With attached notice schedule and Lot Plan to the Registry General re. Voluntary Conveyance to Carl Soares from his mother, Marguerite Soares note. First notice has the name of Frances Amanda Lewis Furbert. Please note I was unable to find other records registered at the Land Title Registry office.

**COUNSEL DIRK HARRISON** 17:20: Thank you. But importantly, in respect of your evidence, as is displayed on Exhibit VF4 the property that is currently owned by Victor Bento Correia? (pronunciation). You claim that to be actually your families?

**MS. VELDA FRANCO** 17:51: That's correct Counsel.

**COUNSEL DIRK HARRISON** 17:55: So there are a number of Adverse Notices that we would have to be issued and I'll include that one. Mr. Chairman for the name as displayed as it is displayed in terms of spelling and Mr. Victor Bento Correia.

**MR. WAYNE PERINCHIEF** 18:15: Yes. Just reiterate your request. Adverse notice will be sent to Victor Bento Correia

**COUNSEL DIRK HARRISON**  18:35: We have also on that list Barbara Patricia Cabral

**MR. WAYNE PERINCHIEF** 18:59: Also added to the list of persons to which ***Adverse Notices to be sent Barbara Patricia Cabral.***

**COUNSEL DIRK HARRISON** 19:05: Barbara Patricia Pimentel the spelling is Exhibited on page 4 of the presentation that is before us.

**MR. WAYNE PERINCHIEF** 19:33: So Adverse Notices should be prepared to be sent to a ***Barbara Patricia Cabral, Mr. Leroy Pyke, Mr. Carl Hugh P A I V A*** additionally

**COUNSEL DIRK HARRISON** 19:38: Crave Indulgence, the ***Estate of Bertha May Burgess***

**MR. WAYNE PERINCHIEF** 19:44: **Mr. Leroy Pyke and The Estate of Bertha May Burgess**

**COUNSEL DIRK HARRISON** 20:57: ***(Global Trust Company Limited) & Mr. Kevin Manuel Cabral***

**MR. WAYNE PERINCHIEF** 21:29: Continue

**COUNSEL DIRK HARRISON** 21:33: The firm of James Appleby & Pearman, but I'm not sure if it has a name today.

**MS. VELDA FRANCO** 21:41: Counsel Can I correct you on that? That is actually a person James Appleby Pearman

**COUNSEL DIRK HARRISON** 21:45: Thank you very much.

**MR. WAYNE PERINCHIEF** 21:48: James Appleby Pearman, thank you.

**COUNSEL DIRK HARRISON** 21:50: Thank you Chairman. If there's any that I may have

**MR. WAYNE PERINCHIEF** 22:30: Yes sorry Counsel would you repeat?

**COUNSEL DIRK HARRISON** 22:37: As indicated if there's any other name that I may have omitted to mention? I shall certainly indicate.

**MR. QUINTON STOVELL** 22:45: Yes Counsel. It will be the name associated with Madeira's Law Offices. I think they're no longer in existence but the family would, you know, obviously the estate would still exists.

**COUNSEL DIRK HARRISON** 23:05: Thank you very much. We're on Page 6 Madam, you may continue.

**MS. VELDA FRANCO** 23:35: **Page Six** please note I was unable to find any other records registered at the Land Title Registration office.

 **Page 7 3:** Boss's Cove Road, Pembroke, HM 01. Lot B the Estate of Anna Amelia Wood willed her daughter Grace Charlotte Phillip Oates nee Wood. Property was willed Grace Charlotte Phillip Oates nee Wood

**COUNSEL DIRK HARRISON** 24:11: Sorry. Just before you go further. You have also included here the assessment number for this #7.

**MS. VELDA FRANCO** 24:21: That's correct Counsel.

**COUNSEL DIRK HARRISON** 24:27: The assessment number the address the grid reference the description with its house and apartment. The Tax Code, you may proceed madam.

**MS. VELDA FRANCO** 24:39: The property was willed to Grace Charlotte Phillip Oates nee Wood on her death in her Last Will and Testament dated 10th February, 1956. Left the property to her niece Charlotte Ellis Wood Wellman. Ms. Charlotte Ellis Wood Wellman on her death in her Last Will and Testament dated the 7th February, 1967.

**COUNSEL DIRK HARRISON** 25:06: Now, just before you go any further the Google Map picture that you have included in the exhibit could you just indicate for us there is an area delineated in red?

**MS. VELDA FRANCO** 25:30: That's correct Counsel and it looks like a right angled triangle #7

**COUNSEL DIRK HARRISON** 25:43: Thank you. I just asked without more the area that you have highlighted extends beyond what appears to be the house so you're indicating that there's land here also, is that so?

**MS. VELDA FRANCO** 26:01: Yes Counsel. That piece of property actually has water rights all the way down to Boss's Cove.

**COUNSEL DIRK HARRISON** 26:12: Thank you. You may proceed.

**MS. VELDA FRANCO** 26:17: **3.1**: The property is currently owned by John Kyle, the above-mentioned person name acquired the property from Wendy Evans Kyle. Please note, I wasn't able to find any other records registered at the Land Title Registry office. 3.2

**COUNSEL DIRK HARRISON** 26:41: I just Chairman that the adverse notices sent here to Mr. John Kyle.

**MR. WAYNE PERINCHIEF** 26:56: Yes I will include the name for Adverse Notice to be sent to John Kyle

**COUNSEL DIRK HARRISON** 27:00: Wendy Evans Kyle

**MR. WAYNE PERINCHIEF** 27:06: Wendy Evans Kyle

**COUNSEL DIRK HARRISON** 27:08: and also Kenneth Simmons

**MR. WAYNE PERINCHIEF** 27:15: and also Kenneth Simmons.

**COUNSEL DIRK HARRISON** 27:24: You may proceed Madam.

**MS. VELDA FRANCO** 27:25: **3.2:** Memorandum of Mortgage dated the 16th March 1987 for Wendy Evans Kyle for further just description of the above mentioned property and former owners.

 **3.3.** Notice 83 /125 was with attached schedule and plan of land dated the 5th July, 1948 for the above-mentioned property was owned by Wendy Evans Kyle. The above-mentioned names on this Notice purchased the property from William Nigel & Gloria Prescott.

**COUNSEL DIRK HARRISON** 28:05: Add the name Chairman of William Nigel & Gloria Prescott.

**MR. WAYNE PERINCHIEF** 28:14: So noted Adverse Notices to William and Gloria Prescott,

**COUNSEL DIRK HARRISON** 28:32: You may proceed to madam.

**MS. VELDA FRANCO** 28:33: **Page 8 3.4**: Memorandum required by the Alien Act 126 Section 5.2 dated the 14th December 1965, from Florence Marie McHale to Robert Oscar Tribley Lot B.

 **3.5**: Form B Memorandum of Acquisition of Land from and/or by alien 21st December, 1960 to Florence Marie McHale from Robert Horace Petty for Lots A and B.

 **3.6:** Memo required by the Alien Act 126 Section 4.1, dated 13th November, 1948 from Mary Elizabeth Petty to John Henry Petty Lot B. Please note I was unable to find any other records registered at the Land Title Registry office.

**COUNSEL DIRK HARRISON** 29:52: Thank you may continue on

**MS. VELDA FRANCO** 30:12: **Page 9 4:** #18 Boss's Cove Road, Pembroke, HM 01, Lot A Estate of Anna Amelia Wood nee Wellman willed to her daughter Grace Charlotte Philip Oates nee Wood Property was willed to her Grace Charlotte Philip Oates nee Wood on her death in her Last Will and Testament dated the 10th February, 1956. Left the property to her niece, Charlotte Ellis Wood Wellman. Charlotte Ellis Wood Wellman on her death in her Last Will and Testament dated 17th of February 1967.

**COUNSEL DIRK HARRISON** 30:58: Before you go any further Madam, just for illustration, the Google Map impression that appears above that #18 which we you had identified earlier. And that is delineated by the red line. That is what is represented presently and projected on the screen?

**MS. VELDA FRANCO** 31:24: Yes Counsel.

**MR. QUINTON STOVELL** 31:27: Excuse me Counsel for the avoidance of doubt and copyright infringement. I believe this is actually a Bermuda Land Valuation Map and not Google.

**MS. VELDA FRANCO** 31:37: Yes Thanks.

**COUNSEL DIRK HARRISON** 31:40: Thank you very much.

**MR. WAYNE PERINCHIEF** 31:43: Thank you for that advice.

**COUNSEL DIRK HARRISON** 31:46: So the 2 13s on a Friday, we should speak to the Government Authorities and not Google. Thank you. You may proceed madam.

**MS. VELDA FRANCO** 31:59: **4.1** Notice 01/138. With attached plan of land dated the 6th March 2002. For the above-mentioned property is currently owned by Carolyn Joanne Raynor, Andrea Stewart Paynter, Renee Charmanda Lynn Makeda Astwood and Kenneth Neil Paynter, Jr. The above-mentioned persons' named on the Notice purchased the property from Valerie Joan Marie Roberts.

**COUNSEL DIRK HARRISON** 32:41: Chairman all the persons named in 4.1 at Page 9 that Adverse Notices could be sent to them.

**MR. WAYNE PERINCHIEF** 32:52: Yes Counsel, and I'd just repeated the names for clarity. Carolyn Joanne Raynor, Andrea Stewart Paynter, Renee Charmanda Lynn Makeda Astwood and Kenneth Neil Paynter, Jr. and Counsel would you also include the person they purchased the property from Valerie Joan Marie Roberts?

**COUNSEL DIRK HARRISON** 32:56: Thank you Yes Chairman.

**MR. WAYNE PERINCHIEF** 32:58: So noted that these Adverse notices be issued to these persons in due course.

**COUNSEL DIRK HARRISON** 33:29: Thank you. You may proceed madam.

**MS. VELDA FRANCO** 33:36: **4.2**: Notice 33/77 with attached schedule and plan of land dated the 28th of March 1977, for the above-mentioned property was owned by Gary Allen Roberts and Valerie Joan Marie Roberts. Page 10.

**COUNSEL DIRK HARRISON** 34:06: I just asked Chairman that the name Gary Alan Roberts could be added and

**MR. WAYNE PERINCHIEF** 34:21: As well Valerie Joan Marie Roberts.

**COUNSEL DIRK HARRISON** 34:22: That name was already highlighted as well.

**MR. WAYNE PERINCHIEF** 34:26: Was already added as well. Okay. We will not add to the list of persons sent Adverse Notices Gary Allen Roberts.

**MS. VELDA FRANCO** 34:41: Page 10. The above-mentioned names on this notice purchased the property from Leroy Theophilus Pyke.

**COUNSEL DIRK HARRISON** 34:58: May that name be added Chairman?

**MR. WAYNE PERINCHIEF** 35:02: Yes the name added for the issuance of Adverse Notice Leroy Theophilus Pyke.

**COUNSEL DIRK HARRISON** 35:15: You may continue Madam.

**MS. VELDA FRANCO** 35:18: **4.3:** Notice 91/76 attached Schedule Plan of Land dated the 5th April, 1976. For the above-mentioned property was owned by Leroy Theophilius Pyke. The above-mentioned name on this Notice purchased the property from Stanford Emerson Richardson.

**COUNSEL DIRK HARRISON** 35:52: You may proceed.

**MS. VELDA FRANCO** 35:53: **4.4** Notice 02/76, Attached schedule and plan of land dated 13th January, 1976, for the above-mentioned property. Property was owned by Stanford Richardson. The above-mentioned name on this Notice purchased the property from Carl Hugh Piava.

**COUNSEL DIRK HARRISON** 36:18: Chairman, I am not at this stage to ask for any more Adverse Notices, because for instance, these go back about 40 years, the others that have been even within 20 years are the ones that I have asked for notice but in this regard I'll proceed, but I’ll advise myself in that regard in terms of others.

**MR. WAYNE PERINCHIEF** 37:01: Yes Counsel, due to my longevity, I can identify some of the person names on this document as being passed on. They've long passed or they have recently passed or not alive anymore. So I take your advice on that.

**COUNSEL DIRK HARRISON** 37:25: And I think the record would reflect that in respect of Leroy Theophilius Pyke, my pronouncing, it maybe the Estate of.

**MR. WAYNE PERINCHIEF** 37:38: That one you wish to send?

**COUNSEL DIRK HARRISON** 37:40: That one I wish to reflect the Estate of, but in respect of... Crave Indulgence.

 I will return to that shortly. I just ask that we could move on in the meantime Chairman.

**MR. WAYNE PERINCHIEF** 38:30: Counsel we will move past that point Leroy Theophilius Pyke and the subsequent sales emanating from that.

**COUNSEL DIRK HARRISON** 38:44: You may continue madam.

**MS. VELDA FRANCO** 38:48: **4.5:** Memorandum of Voluntary Conveyance dated the 5th September, 1974 to Carl Hugh Piava from Florence Marie McHale.

 **4.6**: Form B Memorandum of Acquisition of Land from and/or by Alien 21st December, 196 to Florence Marie McHale from Robert Horace Petty for Lot A and B.

 **4.7:** The Supreme Court Case 1976 No. 84. Dated 7th May, 1976. Between Mr. Leroy Pyke, First Defendant and Mr. John W. Swan Limited Second Defendant. Property owned by Ms. Charlotte Alice Wood nee Wellman Plaintiff. I was physically unable to obtain further documents from The Supreme Court due to the precautionary measures in place for COVID-19. However, I did email Supreme Court requesting assistance to obtain the documents

 **4.8**: A newspaper ad by John W. Swan Limited undated for the above-mentioned property. One three bedroom cottage, etc. Two end Lots Nos. 3, Lot 4 and Lot 5.

**COUNSEL DIRK HARRISON** 40:19: Can I just pause there. What can you explain what you mean by that newspaper ads for John W. Swan Limited? Could you just expand on that please?

**MS. VELDA FRANCO** 40:33: I, in my research that my grandmother had previously done, she had some newspaper cut outs of that stated that John Swan had these properties for sale. One was a two (2) bedroom cottage, which refers to #18 Boss's Cove Road, Pembroke.

**COUNSEL DIRK HARRISON** 40:55: So I've just submitted these.

 Now, I know we'll get to it eventually Ms. Franco, but you also have as part of your presentation today, a slide presentation which is entitled "Our Family Legacy" presented by Cecilia Lynn Cann and Mr. Hugh S.L. Hollis; and Velda Charlata Franco. It is dated the 19th January, 2021. It's a slide presentation on which you wish to place reliance, correct?

**MS. VELDA FRANCO** 42:17: Yes, Counsel.

**COUNSEL DIRK HARRISON** 42:25: I am going to ask that document even though we're still on VF4, I am going to ask that document be tendered and admitted as Exhibit VF5. It is a hard copy of the presentation which is entitled ***"Our Family Legacy***,” dated Tuesday, 19th January, 2021. And it consists only 268 pages

**MR. WAYNE PERINCHIEF** 43:11: Could you repeat that Counsel?

**COUNSEL DIRK HARRISON** 43:24: It is entitled, ***"Our Family Legacy"*** dated Tuesday, 19th January, 2021 and it consists of only 268 pages. I'd asked that the document be tendered and admitted as Exhibit VF5.

**MR. WAYNE PERINCHIEF** 43:24: A slide presentation, it is entitled, "Our Family Legacy" dated Tuesday, 19th January, 2021 and it consists of only 268 pages prepared by others and Mrs. Velda Franco be registered as **Exhibit VF5.**

**COUNSEL DIRK HARRISON** 43:29: Yes Chairman

**MR. WAYNE PERINCHIEF** 44:16: Do you wish to refer to it now?

**COUNSEL DIRK HARRISON** 44:17: Yes. The witness had been speaking about Exhibit VF4, had made reference of 4.8 on Page 10. I am now going to draw your attention to VF5 for a moment. Page 171 as the witness indicates.

 Now madam, in relation to VF4, and newspaper ads by John W Swan Limited on date for the above-mentioned property in respect of what is showing now Page 171 of Exhibit VF5 is this what you're referring to?

**MS. VELDA FRANCO** 45:14: Yes Counsel. The left where it says for sale by Tender so

**COUNSEL DIRK HARRISON** 45:22: Sorry let's try and enlarge it for the Commissioners.

**MS. VELDA FRANCO** 45:28: On the left where it says 'For Sale by Tender” six (6) lots Prime Real Estate Property the two that have the Asterix beside them Lots #3 number three

**COUNSEL DIRK HARRISON** 45:41: Just read what it says for me please?

**MS. VELDA FRANCO** 45:45: It says Lot No. 3 1.00 acre with one bedroom cottage overlooking Boss's Cove, which measures 280 feet on the Waterfront. Lots No. 4 and 5 affording views of Boss's Cove and the Great Sound. This particular ad refers to further in the presentation of High Point.

**COUNSEL DIRK HARRISON** 46:13: And then what you're referring to what is on the left what is on the right?

**MS. VELDA FRANCO** 46:17: On the right side Counsel. John Swan Limited - It's partly cut off is but it refers to a two (2) bedroom cottage with bath, laundry, living room, dining room with water views and water rights situated at Shaw Park Pembroke Parish, even though it refers to Boss's Cove.

**COUNSEL DIRK HARRISON** 46:39: And your evidence, Miss Franco is that the properties that are being advertised here, you're referencing asterisk on the left, Lots 3, Lots 4 and Lots 5. What exactly are you saying in relation to these properties madam?

**MS. VELDA FRANCO** 46:55: These properties were advertised by John Swan Limited and which is also part of the estate of Anna Amelia Wood willed to her daughter, Grace Charlotte Phillips Oath

**COUNSEL DIRK HARRISON** 47:06: And it being advertise what exactly are you saying madam?

**MS. VELDA FRANCO** 47:11: At the time, these properties shouldn't have been advertised because our family still holds the deeds for them.

**COUNSEL DIRK HARRISON** 47:19: And where are those deeds madam?

**MS. VELDA FRANCO** 47:21: Right here beside me, Counsel.

**COUNSEL DIRK HARRISON** 47:23: Thank you. Could you just go back this way to take you back to VF4 and we will continue.

**MS. VELDA FRANCO** 47:40: **4.9**: Letter from Appleby, Spurling & Kempe to Hallett, Whitney and Patton dated the 28th March, 1977. Ms. Margaret Hollis re the estate of Robert Horace Petty. Page 11.

**COUNSEL DIRK HARRISON** 48:07: Now, before I go any further, just share with us, you have been outlining by way of a chronology the research you have done you have been sharing with us so far Notices, Schedules, Plans, you have taken us to the Bermuda Government website showing us pictures, aerial photos, what exactly is all of this towards the end? What are you doing here with this?

**MS. VELDA FRANCO** 48:50: With reference to my presentation, which say "Our Family Legacy", I am sharing a timeline based on the documentations that I've found and based on the Will of Miss Anna Amelia Wood to say that this these properties were willed to her daughter and at no time did she join her living on earth occupied or owned these properties were taken from her.

**COUNSEL DIRK HARRISON** 49:24: You may continue madam.

**MS. VELDA FRANCO** 49:30: **Page11 5**. Additional supporting documentation for #s11, 9, 7 and 18 Boss's Cove Road.

 **5.1**: From Appleby Spurling & Kempe dated the 12th July, 1976 list of documents received from Ms. Margaret Hollis, my grandmother.

 **5.2**: From Appleby, Spurling & Kemp, dated the 20th September, 1976, lists of documents returned, which is marked to Ms. Margaret Hollis.

 **5.3**: Letter dated the 23rd September, 1975, written to the Records Department, Somerset House, The Strand London, WC 2R 1LR, England.

 **5.4:**  Certified Copy dated the 20th of July, 1967, from the Registry General's office, for Head of Mortgage between William Lewis Lightbourne - Mortgager and Thomas Fowl Ewing and Alexander Ewing with Schedule A for Boss's Cove.

 **5.5**: In The Last Will and Testament of Charlotte Alice Wood nee Wellman dated the 7th February, 1967, from paragraphs 3b inclusive states, "on her death the above-mentioned property is left to George Stanford Llewellyn Hollis fee simple to her grandson."

 **5.6**: In The Last Will and Testament of Grace Charlotte Philip Oates, dated the 7th February, 1956, from paragraphs 4-7 inclusive states, "on her death the above mentioned property is left to Charlotte Alice Wood Wellman Absolutely, her niece. In the Supreme Court of Bermuda dated the 28th September, 1956 Probate for the Last Will for Grace Charlotte Philip Oates.

 **5.7**: Two (2) copies plan of land at Shaw Wood, Spanish Point, Pembroke Parish, Bermuda dated the August 12, 1957 by Clark and Deutsch Engineers and Surveyors, Hamilton Bermuda.

 **5.8**: Plan of land referring to the property of Grace Charlotte Philip Oates.

 **5.9** Plan of land a portion of the property of Charlotte Oates Boss's Cove, Pembroke Paris dated March 1958 by Wycliffe M. Stovell noted on the plan of the land it clearly denotes the Estate of Anna Amelia Wood.

 **5.10**: Plan of land dated 4th June, 1958 surveyed and plotted by T. M. Gaudette for Boss's Cove Lot A and Lot B. NB. Three months later estate of Anna Amelia Wood have been drafted with the name of Joseph Soares.

 **5.11**: Plan of land dated 1939 surveyed and plotted by Gaudette & Adams, Surveyors for Boss's Cove Lot A and B

 **PAGE 12. 5.12**: In the Supreme Court of Bermuda 1947: No. 11. Between Grace Charlotte Philip Oates, Plaintiff and Joseph Soares Figueiredo, Defendant. I was physically unable to obtain further documents from the Supreme Court due to the precautionary measures in place for COVID. However, I did email Supreme Court requesting assistance in obtaining these documents.

 **5.13**: Dated Monday, January 6, 1947. A note written in the hand of Grace Charlotte Philip Oates states, "Lawyer Hallett got Mr. Swan to survey two parcels of land in three (3) Lots." In 1927 it was not sold was rented 1929 1930.

 **5.14**: Dated Wednesday, January 15, 1947. A written note in the handwriting of Grace Charlotte Phillips Oates states, "*How Soares got the Deeds he has in his possessions with others? I never draw them out from any lawyer’s hands to give to Joseph Soares hands. I would like to be informed how he got them without me being present to draw them out?"*

 **5.15:** List of documents in the possession of Grace Charlotte Phillips Oates, dated May 1946 **5.16:** the Conveyance cover for a parcel of land at Boss's Cove in Pembroke Parish, dated the 3rd July, 1884 or 1984??? Between Anna Amelia Wood and Others to and others to John Oates recorded in the Book of Deeds. No.32 pages 323, 324, 325, and 326.

**END OF TRANSCRIPTION FEBRUARY 5, 2021 (MORNING SESSION b) AT 55:09**