

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 2425

September Term, 2024

ISATU BANGURA

v.

AMIE KANU

Ripken,
Tang,
Zarnoch, Robert A.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Ripken, J.

Filed: March 25, 2026

*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

In May of 2024, Amie Kanu, appellee (“Appellee”), filed a claim to quiet title on real property located in Prince George’s County known as the “Furman property.” Isatu Bangura, appellant (“Appellant”), answered Appellee’s complaint for quiet title and filed a counter-complaint requesting a declaratory judgment.¹

In January of 2025, after a trial on the merits, the Circuit Court for Prince George’s County quieted title in favor of Appellee, finding that she had adversely possessed the Furman property. Appellant noted this timely appeal, presenting the following issues for our review:²

- I. Whether the circuit court erred in finding Appellee adversely possessed the Furman property.
- II. Whether the circuit court erred in not sequestering witnesses during trial.

For the reasons to follow, we shall affirm the judgment of the circuit court.

¹ Appellant was named in Appellee’s complaint as “Personal Representative of the Estate of Abie Bangura[,]” her mother. Appellee also named Innis Tarawollie and Sallie Tarawollie, the two surviving heirs of Bob E. Tarawollie, as defendants. Neither responded. A default judgment was entered against Innis and Sallie Tarawollie on September 9, 2024, dissolving any interests they had in the Furman property.

² Consolidated and rephrased from:

Did the review of the evidence, or lack of review, by the Court below result in a clearly erroneous verdict?

Did the Court fail to make adequate findings of fact to support its decision?

Did the Court below misconstrue Maryland’s Adverse Possession Law in coming to its verdict?

Did the Court below err by failing to sequester Plaintiff’s witnesses?

(Suggested answers omitted).

FACTUAL AND PROCEDURAL BACKGROUND

Facts Adduced at Trial

The Furman property is a residential property located in Prince George’s County. In August of 1985, Bob E. Tarawollie (“Tarawollie”) purchased the property, as reflected by a deed to the property (the “1985 deed”). At the time of purchase, despite the 1985 deed transferring the property to Tarawollie and “Abie T. Tarawollie, his wife[,]” there are questions concerning whether Tarawollie was legally married, and to whom. The issue of quiet title here stems from the undetermined identity of the “wife” named on the 1985 deed and subsequent land records.

According to Appellant, her mother, Abie Bangura (“Bangura”), married Tarawollie in a cultural ceremony in Sierra Leone prior to the purchase of the Furman property. Appellant testified that Bangura moved into the Furman property in 1985 with Tarawollie; however, Bangura moved out sometime after due to “abuse.”³ Per Appellant, she also recalled that Bangura had gone by the name “Abie Tarawollie” at some point during her relationship with Tarawollie.

Appellee told a different story. Appellee testified that she began dating Tarawollie sometime between 1983 and 1984. Per Appellee, she recalled that during the early part of their relationship, Tarawollie asked her for \$5,000 for the downpayment toward the Furman property—a residence he told her was for both of them and Appellee’s children. Appellee did not move onto the Furman property with Tarawollie until sometime “in the

³ Appellant moved to the United States from Sierra Leone in 1993 to join Bangura, but her mother had already left the Furman property at that point.

first half of 1986[.]” Tarawollie, Appellee, and Appellee’s children lived together on the Furman property from that point forward. Appellee paid the mortgage, taxes, and maintenance fees on the property.

In 1995, Tarawollie refinanced the mortgage on the Furman property, which was executed with a deed of trust again bearing Tarawollie’s name and the name “Abie T. Tarawollie” (the “1995 deed”). Appellee signed the 1995 deed and associated paperwork with her name and Social Security number, despite the difference with the name printed on the document, because Tarawollie informed her the printed name was simply a typo.⁴ Sometime in 1995, Tarawollie and Appellee ended their relationship and Tarawollie moved out of the Furman property; however, Appellee and her children continued living there.

In February of 1998, Tarawollie and Appellee again refinanced the mortgage on the property. Appellee again signed in the place for “Abie T. Tarawollie” on the deed of trust (the “February 1998 deed”), and Appellee’s Social Security number was used in the associated finance affidavit. Approximately one month later, Tarawollie purported to convey his interest in the property to Appellee in an informal deed (the “informal deed”) which stated

I [Tarawollie] of [the Furman property] have decided to give [Appellee] the total ownership of the house on [the Furman property]. My final date of stay

⁴ Notably, each woman contended that she used the last name Tarawollie at some point, and the difference in the two first names is only a single letter. Each woman also contended to have been married to Tarawollie in cultural and religious ceremonies for which no documentary evidence was presented in the record. While making no findings as to the validity of Tarawollie’s alleged cultural or religious marriages to Appellee or Bangura, the court did note that “there was a first wife[.]” referring to another woman *legally* married to Tarawollie.

here will be the 1st of June[,] 1998 and while I am here I should pay all my bills.

The informal deed was signed by Tarawollie, however, it was neither recorded nor notarized.

Months later, in August of 1998, Tarawollie and Appellee executed a new deed of trust securing a line of credit for Tarawollie and “Amie T. Tarawollie, a married woman [e]rroneously known on record as Abie T. Tarawollie[.]” Appellee thus signed in the place for “Amie T. Tarawollie” on the instrument.⁵

In 2007, Appellee again refinanced the mortgage with Tarawollie, this time again under the name “Amie Tarawollie” (the “2007 deed”).⁶ Tarawollie died in 2009. Two years later, Appellee executed a deed purporting to grant the Furman property from Tarawollie and Appellee to Appellee individually as “Amie Kanu” his “surviving spouse” (the “2011 deed”). At trial, Appellee testified that because Tarawollie was already deceased in 2009, she believed she had the “authority” to grant the property to herself individually as his surviving spouse since 2009. Appellee continued living in the Furman property without any objection. She also paid a portion of the downpayment, paid the mortgage and property taxes, and maintained the property.

⁵ Likewise to Bangura, although there is testimony that Appellee used Tarawollie’s last name at some points during their relationship, she never legally adopted the last name “Tarawollie.”

⁶ Appellee signed “Amie Tarawollie” in both the Amie Tarawollie signature line and in Tarawollie’s signature line as his attorney-in-fact.

Prior Action and Procedural History

In 2018, Bangura initiated a civil lawsuit asserting her ownership over the Furman property. That lawsuit was eventually dismissed pursuant to a Settlement Agreement, the terms of which dictated that Bangura would dismiss her claims and Appellee would sell the property and give a portion of the proceeds to Bangura. The terms of the Settlement Agreement were never satisfied, as Appellee alleged she was unable to sell the Furman property due to the clouded title. Bangura died in 2024, and thus title to the Furman property remained unclear. In light of the complex history of the property and the competing claims for ownership, Appellee filed this suit for quiet title in May of 2024.

The Circuit Court for Prince George’s County held a bench trial on the merits in January of 2025. Both parties presented testimony, exhibits, and argument as to their relationship and history with the Furman property and accompanying legal documents.

Circuit Court’s Ruling

After each side presented her case, the court considered all the evidence and found the testimony of the [Appellee] and her children and her witnesses w[ere] credible, that the [Appellee] has lived in the [Furman property] for the statutory period of over 20 years, and that possession was continuous. Again, looking at the property records and listening to the testimony of her children as well. The [Appellee] did physically live in that property. Although she had purchased another property, there was no evidence that she actually lived in that property.

The [Appellee]’s possession was open and notorious. That should have given notice to any other[—]any legal owner that she was living there. And while the [Appellee] did sign as Abie Tarawollie and then Amie Tarawollie, it was her signature. That is undisputed. It was her Social Security number that was used in all of those deeds.

The [Appellee] has proven that her possession was exclusive. She did not share with the owner. She shared with [Tarawollie], who apparently left in [1998] and passed away anyway in 2009. The possession was hostile. In other words, no ill will, but **the [Appellant] lived there believing that she is the legitimate owner** as she had paid the mortgage. The Court believes her testimony that she actually provided \$5,000 towards the purchase of the home. She's paid the taxes on the home. We've seen that evidence as well. And then again, the possession was continuance without any significant interruptions.

Therefore, the Court approves or grants the [Appellee]'s motion to clear title to the property[.]

(Emphasis added). The court then entered a written order, indicating that the order was a declaratory judgment that quieted title to the property.

Appellant noted this timely appeal. Additional facts are provided below as relevant.

DISCUSSION

I. THE CIRCUIT COURT DID NOT ERR IN FINDING APPELLEE ADVERSELY POSSESSED THE FURMAN PROPERTY.

A. Party Contentions

Appellant contends that the circuit court erred in finding for Appellee because the facts did not show that the elements of adverse possession were met. Appellant asserts that, instead, the court failed to adequately consider the impact of Appellee's signature on the myriad deeds when addressing the hostility element of adverse possession; nor did the court, according to Appellant, consider the effect of Bangura's alleged prior attempts to assert ownership over the Furman property when addressing the continuity element. Thus, Appellant posits, the court's factual findings were clearly erroneous and it erred in applying the law of adverse possession.

In turn, Appellee avers that the circuit court’s decision was fully supported by the facts and evidence presented at trial. Appellee also argues that the circuit court did not err in applying the law of adverse possession because the court considered each element and applicable facts.

B. Standard of Review

In review of an action tried without a jury, we “review the case on both the law and the evidence.” *See* Md. Rule 8-131(c). *See also Seaboard Sur. Co. v. Boney*, 135 Md. App. 99, 110 (2000). On factual issues, “we give due regard to the trial court’s role as fact-finder and will not set aside factual findings unless they are clearly erroneous.” *See Clickner v. Magothy River Ass’n Inc.*, 424 Md. 253, 266 (2012); *see also Breeding v. Koste*, 443 Md. 15, 27 (2015). We “must consider evidence produced at the trial in a light most favorable to the prevailing party” and cannot find a decision clearly erroneous “if substantial evidence was presented to support the trial court’s determination[.]” *Breeding*, 443 Md. at 27 (quoting *Clickner*, 424 Md. at 266).

“The deference shown to the trial court’s factual findings under the clearly erroneous standard does not, of course, apply to legal conclusions.” *White v. Pines Cmty. Improvement Ass’n, Inc.*, 403 Md. 13, 31 (2008) (internal quotation marks and citation omitted). On purely legal issues, on which there is no factual dispute, our review is expansive. *Boney*, 135 Md. App. at 110. We determine whether interpretation and application of Maryland statutes and case law are “legally correct.” *White*, 403 Md. at 31.

Where “a case involves both issues of fact and questions of law, this Court will apply the appropriate standard to each issue.” *Breeding*, 443 Md. at 27 (quoting *Clickner*, 424 Md. at 266–67).

C. Analysis

Adverse possession is a method by which an individual who was not otherwise the owner of a property gains valid, clear title to a property by the passage of time. *See Senez v. Collins*, 182 Md. App. 300, 322–23 (2008). In evaluating a claim of adverse possession, “the pertinent inquiry is whether the claimant has proved the elements based on the claimant’s objective manifestation of adverse use, rather than on the claimant’s subjective intent.” *Porter v. Schaffer*, 126 Md. App. 237, 276 (1999) (citations and internal quotation marks omitted). “Moreover, the claimant bears the burden of proof.” *Id.*; *Hungerford v. Hungerford*, 234 Md. 338, 340 (1964) (“Every element of adverse possession must be shown and if it is not, the possession will not confer title.”).

As a common law tool, the elements of adverse possession are well-settled.

To establish title by adverse possession, the claimant must show possession of the claimed property for the statutory period of [twenty] years. Such possession must be actual, open, notorious, exclusive, hostile, under claim of title or ownership, and continuous or uninterrupted.

Senez, 182 Md. App. at 323–24 (ellipses omitted) (quoting *White*, 403 Md. at 36). This Court has broadly placed the elements of adverse possession into three groups for analysis: “(1) actual, open and notorious, and exclusive; (2) continuous or uninterrupted for the requisite period; and (3) hostile, under claim of title or ownership.” *Id.* at 324. We take each in turn, noting that in our review “[t]he weighing of the evidence and the assessment

of witness credibility is for the finder of fact[.]” *Terranova v. Board of Trustees*, 81 Md. App. 1, 13 (1989).⁷

i. Actual, Open and Notorious, and Exclusive

Determination of whether a claimant is in actual possession of the property at issue is a fact-intensive inquiry in which the character of the property dictates the possessory acts necessary to constitute actual possession. *See Senez*, 182 Md. App. at 325–26 (“[A]cts sufficient to demonstrate possession of wild, undeveloped forest may fall short of the activity needed to establish possession of developed property.” (citation omitted)). Where the land at issue is a “small parcel” of “scrubby, brush land[.]” acts such as clearing brush, planting and maintaining a flower bed, and felling large trees are sufficient actual possession of the land. *See Blickenstaff v. Bromley*, 243 Md. 164, 168–69, 172–73 (1966). Here, where the land is a property with a full residence, and Appellee physically lived in the house and maintained the property and building, such actions are analogously in line with the character of the property sufficient to constitute actual possession. *See id.*; *Senez*, 182 Md. App. at 325–26.

Likewise, “[p]ossessory acts of dominion over land may be sufficient to charge the record owner with knowledge that the land is adversely possessed[.]” satisfying the open and notorious element. *Miceli v. Foley*, 83 Md. App. 541, 561 (1990) (citing *Blickenstaff*, 243 Md. at 171–72). That is the case *sub judice*, where “it can scarcely be seriously argued that over a period” of more than thirty years when Appellee physically lived in the home

⁷ Appellant’s assertion that the court erred in the weight it gave to certain evidence is thus outside the scope of our review.

on the Furman property, paid its taxes and mortgage, and oversaw all upkeep, the property owners would not have seen and known of such possessory acts. *See Blickenstaff*, 243 Md. at 171–72.

Finally, as to the exclusivity element, “[a]n adverse claimant’s possession need not be absolutely exclusive, however; it need only be a type of possession which would characterize an owner’s use.” *Senex*, 182 Md. App. at 325 (quoting *Blickenstaff*, 243 Md. at 173). Appellee’s continued physical residence on the property, to the exclusion of Tarawollie since at least 1998, again sufficiently characterizes an owner’s use of the Furman property and satisfies the exclusivity element of adverse possession.

ii. Continuous or Uninterrupted for the Requisite Period

In Maryland, the requisite possessory period for adverse possession is twenty years. *See* Md. Code Ann., Courts and Judicial Proceedings Article (“CJP”) § 5-103 (1974, 2022 Repl. Vol.). Hence, an adverse possessor must maintain possession *continuously* for twenty years to succeed in a quiet title action. *Senex*, 182 Md. App. at 323–24, 331. Continuity is not broken by mere acts of ingress or disruption, but rather by an entry by the owner that “clearly indicate[s] to the occupant that his possession is invalid and his right challenged.” *Id.* at 337 (internal citations and quotation marks omitted). “The entry . . . must equal in dignity and character that required to initiate an adverse possession.” *Id.*

In this case, Appellant argues that Bangura’s purported efforts to assert her rights over the Furman property over the years interrupted Appellee’s continuous possession. Appellant specifically points to a previous quiet title lawsuit filed by Bangura over the property in 2018. Despite this, “[c]ontinuity of possession may not be interrupted by the

filing of a suit of ejectment without any prior legal interest in the property.” *Miceli*, 83 Md. App. at 561. Additionally, there was no other evidence at trial regarding any “unequivocal claim[s] of possession” by Bangura towards the Furman property; there is no evidence that Bangura lived at, attempted to live at, paid money towards, or maintained the Furman property since Appellee began her possession. Therefore, Appellee continuously possessed the property for the statutory period. *See Hub Bel Air, Inc. v. Hirsch*, 203 Md. 637, 645 (1954).

*iii. Hostile, Under Claim of Title or Ownership*⁸

We have long recognized that the hostility necessary for adverse possession “does not necessarily import enmity or ill will.” *See Yourik v. Mallonee*, 174 Md. App. 415, 429 (2007) (citation omitted). Instead, this final element requires that “the claimant’s possession be unaccompanied by any recognition, express or inferable from the circumstances, of the real owner’s right to the land.” *Hungerford*, 234 Md. at 340 (citations omitted). Such a form of hostility is generally proven through color of title or claim of right. *See Yourik*, 174 Md. App. at 424 (observing that color of title and claim of right are “alternative methods of proving that the claimant’s possession was sufficiently ‘hostile’ to be ‘adverse’”). Because the circuit made no findings as to hostility through claim of right, or record title, we instead review only hostility through color of title. *See Gore v. Hall*, 206 Md. 485, 490 (1955).

⁸ “[A] claim of title or ownership is not a separate and distinct element of an adverse possession claim,” but a part of the hostility element. *Yourik v. Mallonee*, 174 Md. App. 415, 426–27 (2007) (internal citations and quotation marks omitted).

“Color of title is that which in appearance is title, but which in reality is not good and sufficient title.” *Yourik*, 174 Md. App. at 424 (quoting *Gore*, 206 Md. at 490). If adverse possession is premised on a deed believed to convey title when in reality, it does not, the deed will “give color” only if it is “prima facie good in appearance [so] as to be consistent with the idea of good faith on the party entering under it.” *Gore*, 206 Md. at 490–91 (citation omitted). *See also Yourik*, 174 Md. App. at 424.

In *Gore*, the Supreme Court of Maryland held that a claimant had color of title where he presented unclear deeds along with patents describing the land that made clear the language of the deeds, because while the documents failed—despite the validity of the deed and accompanying patents being left undecided by the lower court—nonetheless, “good in appearance” deeds are consistent with the idea of the party acting in good faith when entering under color of title. *Gore*, 206 Md. at 491. In *Spicer*, the Supreme Court of Maryland likewise found color of title where several deeds in succession of a piece of property referred to the property with vague descriptive names rather than metes and bounds; however, although the documents may have been too vague to enforce, the “papers [were] good enough in appearance and ostensible effect to give [the claimant] the right to the bona fide belief they held that they owned the land.” *Spicer v. Gore*, 219 Md. 469, 476 (1959).

Here, the court found that Appellee signed the 1985, 1998, and 2007 deeds with her name and Social Security number. Although the court did not make findings as to the validity of those deeds, they are “good enough in appearance and ostensible effect” to give Appellee the “bona fide belief” that she owned the land—as in *Spicer* and *Gore*. Further,

the court found that Plaintiff lived in the Furman property “believing that she [was] the legitimate owner[.]” The court specifically focused on Appellant’s payment of the mortgage and taxes, and general maintenance, over the years as evidence of such a belief. These actions, in conjunction with the nature of the signed deeds is sufficient for color of title and therefore satisfy the hostility element of adverse possession.

II. THE ISSUE OF SEQUESTRATION OF WITNESSES IS NOT PRESERVED FOR OUR REVIEW.

A. Party Contentions

Appellant asserts that the circuit court abused its discretion in failing to sequester witnesses during trial under Maryland Rule 5-615. Per Appellant, this failure was unduly prejudicial to her case because witnesses were then able to base their testimony on what they heard from other witnesses and evidence during trial in a case where credibility was a key issue.

Appellee contends that Maryland Rule 5-615 only requires sequestration where a party requests it prior to the start of testimony, which did not happen here. Additionally, Appellee avers that, under the Rule, after testimony has begun the court *may* sequester witnesses, but that is only a permissive power. Appellee argues that where no party saw the need to request sequestration, and Appellant makes no argument as to why it was needed, it is not an abuse of discretion for the court to likewise not view a need to sequester witnesses.

B. Analysis

Appellate courts generally “will not decide any [] issue unless it plainly appears by the record to have been raised in or decided by the trial court.” *Small v. State*, 235 Md. App. 648, 696 (2018) (quoting Md. Rule 8-131(a)), *aff’d*, 464 Md. 68 (2019). This rule is meant “to ensure fairness for all parties in a case and to promote the orderly administration of law.” *See State v. Bell*, 334 Md. 178, 189 (1994) (quoting *Brice v. State*, 254 Md. 655, 661 (1969)). Thus, Maryland Rule 8-131(a) requires a party who contests a court’s ruling on appeal to have made a timely objection at trial. *See Robinson v. State*, 410 Md. 91, 103 (2009). “The failure to do so bars the appellant from obtaining review of the claimed error, as a matter of right.” *Id.*

Here, although Appellant now takes issue with the lack of a sequestration order from the court, she made no such request during the trial itself. Further, *neither party* requested sequestration, and the court made no ruling on a motion to sequester; nor is there any discussion of sequestration on the record. With no timely objection or court decision on the issue, it is not preserved for our review. *See* Md. Rule 8-131(a).⁹

⁹ We additionally note that even if the issue was preserved, the court did not abuse its discretion in not exercising its permissive power to sequester witnesses without any motion on the matter. Under Maryland Rule 5-615(a),

upon the request of a party made before testimony begins, the court shall order witnesses excluded so that they cannot hear the testimony of other witnesses. When necessary for proper protection of the defendant in a criminal action, an identification witness may be excluded before the defendant appears in open court. **The court may order the exclusion of a witness on its own initiative or upon the request of a party at any time.**

**JUDGMENT OF THE CIRCUIT COURT
FOR PRINCE GEORGE'S COUNTY
AFFIRMED. COSTS TO BE PAID BY
APPELLANT.**

The plain language of the Rule makes clear that, unless a party requests sequestration prior to the start of testimony, the court's sequestration of witnesses is permissive and not mandatory. *See Tharp v. State*, 362 Md. 77, 97–98 (2000). Here, there were no pre-testimony requests by either party nor was there discussion regarding the need for later sequestration of witnesses once testimony began. Hence, the court did not err.