

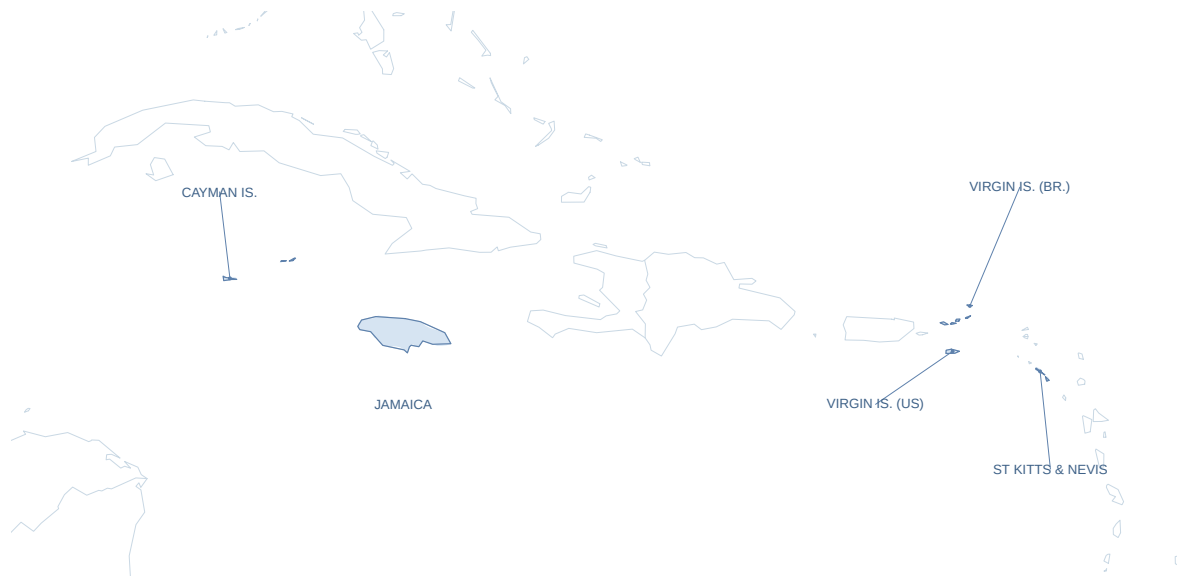
Recent Court Cases: The Caribbean

Recent Court Decisions • The Valuation Engineer

William Bert Craytor • Vol. 1, Issue 2 • Fall 2026

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Notice to readers. These summaries are the Journal's own descriptions of court decisions and legal instruments, written for valuation professionals. They are not legal advice. Where the understanding of a decision or a provision is critical to a matter, the reader should consult the official text and obtain advice from a lawyer qualified in the jurisdiction concerned. Many of the sources were written in languages other than English and were read in machine translation, which can be in error; each such item is marked, and its original-language source is linked so that it can be checked.



Jurisdictions surveyed in this installment are outlined and shaded.

CAYMAN IS. · JAMAICA · ST KITTS & NEVIS · VIRGIN IS. (BR.) · VIRGIN IS. (US)

Anguilla, the Bahamas, Barbados, Belize, Cuba, Puerto Rico and Trinidad and Tobago appear only in short or noted entries and are not shaded.

Scope and Sources

This installment covers the Cayman Islands (including a Privy Council appeal from the Cayman courts), Jamaica, Saint Kitts and Nevis (a member state of the Eastern Caribbean Supreme Court), and the United States Virgin Islands, with a British Virgin Islands stamp-duty note, short entries for Anguilla, the Bahamas, Belize, Cuba, Puerto Rico, and Trinidad and Tobago, and one Barbados matter identified in brief.

Two notes of context govern the whole installment. First, compulsory acquisition is the smaller part of it: one Jamaican award (*Hyde*), reported from the press, the constitutional and Helms-Burton items filed with it, and a 2022 Anguillian decision of the Privy Council carried as background. The decisions treated at length go instead to the interests being valued — registered title and its

exceptions, strata schemes (in the United States, condominiums), easements, the priority of secured debts, and statutory redemption — and any compensation rule engaged is identified at the point of use. That is not a departure from the department’s subject but a fair sample of it: the reason takings dominate elsewhere in this issue is that they are published, while the ordinary market’s disputes frequently are not. The Caribbean jurisdictions report the ordinary market, and this installment takes the opportunity. Second, several of the jurisdictions covered lie in the appellate system of the Judicial Committee of the Privy Council (JCPC), the London-based final court of appeal for many Commonwealth Caribbean and overseas jurisdictions; “His Majesty in Council” is the formal style of an appeal to that Board.

This installment incorporates material supplied by the editor and verified on 2 September 2026, with a further check on 19 September 2026. The judgment itself was read for *R (Caribbean Utilities Co Ltd) v Ombudsman, Strata Plan No. 608, Cayman Shores, Changyou.com, Cunningham v Hall, Frongillo, Miller Enterprise, Carib Ocho Rios, Estate of Dame Bernice Lake QC*, and the first-instance and leave judgments in *Social Security Board v First Caribbean International Bank; Wheatley v Ramlal* was read in the Judicial Committee’s own summary, and *Braynen Turnquest* is a pending appeal known from the Committee’s case page. The following rest on press reports or practitioner commentary, and the judgment was *not* read: *Hyde* (press), *Controller of Supplies v Gas Tomza* (chambers’ note), *Havana Docks* (law-firm notes), *Exxon Mobil v Corporación Cimex* (a case-tracking site), the Resort Holdings tax sale (press), the Puerto Rico Senate bill, the Clemente trademark and PREPA items (press), *Sina Corporation* (a law-firm page), and the Barbados matter (press). Each of these is reported as its source reports it and should not be cited as a holding from this entry. Every source was read in English, the language of the courts of all the jurisdictions covered; no translation apparatus is therefore carried. Primary sources are the judgments repository of the Judicial Administration of the Cayman Islands (judicial.ky) and legislation.gov.ky for the Cayman Islands; caselaw.nationalarchives.gov.uk for the Judicial Committee of the Privy Council; the Supreme Court of Judicature of Jamaica and the Court of Appeal of Jamaica (supremecourt.gov.jm, courtofappeal.gov.jm); the Eastern Caribbean Supreme Court (eccourts.org); and the published opinions of the Supreme Court of the Virgin Islands. Facts resting on a single or secondary source are flagged at the point of use. Case citations should be verified against the official reports before any reliance for practice or for further publication.

Expropriation, Eminent Domain, and Condemnation

Including inverse condemnation. Just compensation, larger parcel, severance, project influence, stigma, and reasonably probable future use.

An undated, unsworn valuation carries no weight: *Hyde*. As reported in the press — the judgment was not read — the Supreme Court of Jamaica kept a J\$12 million award for a compulsory acquisition on Highway 2000 Phase 2A in 2026. The owners’ valuation of about J\$16.48 million was undated and unsworn, and did not displace it. The lesson is evidential rather than substantive: the figure was never reached because the report could not be received.

Source — <http://jamaica-gleaner.com/article/news/20260615/homeowners-lose-bid-increased-payout-after-12m-compulsory-acquisition>

Background, outside the period — severance where the statute is thin: *Estate of Dame Bernice Lake QC v Attorney General of Anguilla*. *Estate of Dame Bernice Lake*

QC (Deceased) v Attorney General of Anguilla [2022] UKPC 33 was heard on 10–11 May 2022 and decided on 15 August 2022. It is not a decision of the period and is carried only as the regional authority on the point. In 2003 the Government acquired 26 acres out of a 110-acre parcel to extend the runway at Wallblake Airport; ten acres were in the end required. The Board of Assessment awarded US\$1.26 million and the Court of Appeal substituted US\$19.5 million. The Judicial Committee allowed the Attorney General’s appeal in full and dismissed the estate’s. Section 18(2) of the Land Acquisition Act values the land taken as a distinct parcel on the open market; loss to the retained land is compensated separately, as severance and injurious affection (in the United States, severance damages or damages to the remainder), which the parties agreed section 18 must be read to include. A Board of Assessment may use a “before and after” method but is not obliged to.

Source — Judgment, <https://jcpc.uk/cases/jcpc-2020-0023>.

Regulation is not an indirect taking of goodwill: *Controller of Supplies v Gas Tomza Ltd*. *Controller of Supplies v Gas Tomza Ltd* [2025] CCJ 16 (AJ), 20 November 2025, holds that LPG import rules were not an indirect taking of goodwill.

Source — <https://www.doughtystreet.co.uk/news/landmark-ccj-judgment-right-regulate>

A certified loss as the damages baseline: *Havana Docks Corp. v. Royal Caribbean*. *Havana Docks Corp. v. Royal Caribbean*, 608 U.S. — (21 May 2026), concerns Title III trafficking in confiscated Havana piers. The Foreign Claims Settlement Commission’s certified loss of about US\$9.18 million is the damages baseline.

Source — https://www.skadden.com/-/media/files/publications/2026/05/supreme_courts_havana_docks_decision_takes_expansive_view_of_helmsburton_liability.pdf; <https://www.hlc.com/en/publications/supreme-court-expands-trafficking-liability-under-title-iii-of-the-helms-burton-act-in-havana-docks>

Immunity stripped for expropriated assets: *Exxon Mobil v. Corporación Cimex*. *Exxon Mobil v. Corporación Cimex*, No. 24-699, 23 June 2026, holds that Helms-Burton strips a Cuban instrumentality of immunity for expropriated Esso assets.

Source — <https://www.supremecourtcase tracker.com/cases/24-699/exxon-v-cimex-helms-burton-act>

Just compensation that nets to nothing: Puerto Rico Senate Bill 1212. Senate Bill 1212 (2026) and practice under Ley 114-2024 provide for nuisance expropriation with delayed deposit and tax and fine offsets, so that advertised just compensation can net to US\$0.

Source — <https://newsismybusiness.com/puerto-rico-senate-bill-targets-abandoned-properties/>; <https://www.elnuevodia.com/edictos/dominios/tribunal-de-primera-instancia-de-caguas-sala-superior-76261>

A federal floor on compensation: HUD’s 2025 URA waivers. The 2025 Uniform Relocation Act waivers for R3 disaster acquisitions set just compensation at no less than the PRDOH fair market value or the court figure.

Source — <https://www.govinfo.gov/content/pkg/FR-2025-04-17/pdf/2025-06549.pdf>

Paid-for studies are “property” — disclosure without compensation read down: *R (Caribbean Utilities Co Ltd) v Ombudsman*. [2026] CIGC (Civ) 22, Cause G 103/2024, Grand Court, Asif J, 8 June 2026. The Ombudsman had ordered disclosure, under the Freedom of Information Act (FOIA), of two confidential studies a utility had paid for — a cost-of-service study and an impact study. Held: the studies are “property” within section 15 of the Cayman Islands Bill of Rights, the analysis drawing on *Changyou.com Ltd v Fourworld* [2025] UKPC 12 (11 March 2025), a Cayman appeal in which the Privy Council informed section 15 by the jurisprudence on Article 1 of Protocol 1 to the European Convention on Human Rights, the Convention’s protection of property. Because Cayman law provides no compensation for the deprivation that forced disclosure would work, section 21 of the FOIA was read down — construed narrowly so as to remain constitutionally valid, instead of being struck out — under section 5 of the Cayman Islands Constitution Order 2009 to conform to section 15, so as to exempt disclosure of records where the property rights of a third party would be adversely affected. The judge declined to read down section 26, the public-interest test, as well, provided that the Ombudsman treats a resulting breach of section 15 as weighing very heavily against disclosure (paragraph 140). The Ombudsman’s decision was quashed for procedural unfairness: the third-party owner of the studies had not been heard.

Implication for appraisers. The operative defect was a deprivation of property without compensation — which is why an information-law case appears in this department. Commissioned studies with commercial value are property interests, and a statutory mechanism that would strip their confidentiality without paying for it was read down rather than applied. Valuation practices hold exactly this kind of asset — paid-for studies, models and data licensed in confidence — and this decision treats their confidentiality as a property interest with constitutional protection in Cayman law.

Source — Judgment, <https://judicial.ky/n0c-storage/judgments-repository3/G0103202406082026CARIBBEANUTILITIESVSOMBUDSMANJUDGMENT.pdf>.

Taxation

Ad valorem assessment appeals, current use against highest and best use, special-purpose and utility property, estate and gift tax, and conservation-easement valuation.

A tax sale challenged, the appeal still pending: Resort Holdings / LRA-OBB. The Supreme Court of The Bahamas, 31 July 2026, heard a challenge to a tax sale of 1,143 acres for about US\$26 million. The owner’s appraisal was US\$12.66 million against the Department of Inland Revenue’s figure; the Tax Appeal Commission has yet to rule.

Source — <https://www.tribune242.com/news/2026/aug/10/judge-clean-hands-absent-over-10m-tax-sale-challenge/>

Injunction discharged after conveyance: *Miller Enterprise Ltd v Chief Valuation Officer*. In *Miller Enterprise Ltd v Chief Valuation Officer*, SCCivApp No. 79 of 2025 (Court of Appeal of The Bahamas, reasons 28 January 2026), a Supreme Court judge had discharged, for material non-disclosure, an ex parte injunction restraining a power of sale under the Real Property Tax Act: the property had already been sold and conveyed before the injunction was granted. She then refused leave to appeal and a stay. The Court of Appeal dismissed the appeal against those refusals.

Source — <https://www.courtsofappeal.org.bs/download/049390800.pdf>

British Virgin Islands — duty on the higher of price and market value

Acquisition duty on the higher of two figures. A person who does not belong to the territory (a non-Belonger) requires a license under the Non-Belongers Land Holding Regulation Act (Cap. 122) to hold land. Transfer stamp duty runs at 4 percent for Belongers and 12 percent for non-Belongers, and — the point of interest here — it is assessed on the consideration *or* the market value, whichever is the higher. Conveyances otherwise than upon sale to which that Act applies attract duty at 5 percent of market value.

Implication for appraisers. This is the same structure met in Panama’s ITBI and in the Chilean execution sales: an official measure placed as a floor beneath the contract price, so that the transaction figure governs only while it exceeds the assessed one. Where the duty is charged on the higher of the two, the market-value opinion is not merely evidence of the price — it is the alternative tax base, and the valuer’s (appraiser’s) figure is doing fiscal work whether or not a sale completes at it.

Scope note. Three Commercial Division matters of 2025–26 were examined and are not carried: they turn on jurisdiction over immovables, on recognition of a foreign judgment in insolvency, and on a jurisdiction challenge in fraud proceedings. None decided a value, and the department’s filter excludes title and insolvency disputes in which no valuation question was determined.

Source — Government of the Virgin Islands, *Your Guide to Stamp Duty Tax* (official; read in English): <http://www.bvi.gov.vg/content/your-guide-stamp-duty-tax>; and *Non-Belongers Land Holding Licence*: <https://www.bvi.gov.vg/services/non-belongers-land-holding-licence>.

Lending, Foreclosure, and Mortgage Regulation

Origination and refinance appraisals, GSE, FHA and FIRREA independence rules, deficiency actions, and what loss the valuation actually caused.

No clean lender-against-valuer opinion this period. No Caribbean decision of 2025–26 was found in which a lender sued a valuer. The nearest files are the injunction below and the Bahamian tax-sale and power-of-sale matters recorded under taxation.

Sale restrained pending appeal: *Carib Ocho Rios*. *Proprietors Strata Plan No. 73 v Carib Ocho Rios Apartments Ltd* [2026] JMCA App 13 (reasons 3 March 2026) granted an injunction restraining sale or mortgage pending appeal; a stay had been granted by Brown JA on 23 December 2025. A sale valuation had been commissioned. Lost certificates of title at Volume 1148 Folio 93 and Volume 1121 Folio 470 were reissued at Volume 1606 Folios 160, 161 and 355.

Source — <https://www.courtsofappeal.gov.jm/sites/default/files/judgments/Proprietors%20Strata%20Plan%20No%2073%20v%20Carib%20Ocho%20Rios%20Apartments%20Ltd%20and%20anor.pdf>

A statutory debt primes a registered mortgage — and the question is going to the Privy Council: *The Social Security Board v First Caribbean International Bank (Barbados) Ltd*. The sequence in the Eastern Caribbean Supreme Court runs in three steps. First instance: Claim No. SKBHCV2012/0371, Master Pariagsingh, 9 May 2022. Mortgaged property of a debtor company had been sold for US\$540,000 and the price paid into court; the Social Security Board’s

claim to priority was dismissed, “property” in section 75 of the Income Tax Act being read as not including realty. On appeal: SKBHCVAP2022/0007, judgment 25 July 2024 — the appeal was allowed: “property” includes real property, and the enforcement mechanism (section 75 of the Income Tax Act, applied through section 44 of the Social Security Act) stands alone; the court declared that the Board’s EC\$757,697.92 (Eastern Caribbean dollars) ranks in priority to the bank’s mortgage debt in the scheme of division under section 81 of the Title by Registration Act. Third step: on 17 June 2026 (heard 12 November 2024), Ellis JA, with Ventose and Henry JJA concurring, ruled on the bank’s application for leave to appeal to His Majesty in Council. Held: no appeal lay as of right — the decision was interlocutory, and was held not to involve “a claim to or question respecting property” for as-of-right purposes — but conditional leave to appeal to the Privy Council was granted, the matter being one of great general or public importance. The priority holding is therefore under appeal to the Privy Council.

Implication for appraisers. This is secured-lending material: a statutory contribution debt was declared to rank ahead of a registered mortgage in the division of a court-ordered sale’s proceeds. For a valuation of the mortgagee’s security, or of an equity of redemption (the mortgagor’s residual interest — the right to recover the property by paying the debt), in Saint Kitts and Nevis, the ranking of statutory debts against the registered charge is at present a declared priority under appeal — and a report on such an interest should state which state of the law it assumes.

Source — First-instance judgment, Eastern Caribbean Supreme Court (eccourts.org), 2022 PDF. The ruling of 17 June 2026 was verified against the judgment text as carried by a third-party mirror; the Eastern Caribbean Supreme Court media store did not carry it at the time of verification (flagged accordingly).

Conditional leave to His Majesty in Council. The Court of Appeal’s judgment on the appeal was delivered on 25 July 2024. Conditional leave to appeal to the Privy Council under section 99 of the Constitution was a separate decision in the same appeal: heard 12 November 2024 and delivered 17 June 2026 by Ellis JA, with Ventose JA and Henry JA. The leave judgment recites that leave is sought against the judgment “delivered on the 25th day of July 2024”.

Sources — conditional-leave judgment of 17 June 2026 (PDF, read in English): <https://timescaribbeanonline.com/wp-content/uploads/2026/06/6acd4dd9-939e-43d9-89c4-160fbdfff9bc.pdf>. No public PDF of the merits judgment of 25 July 2024 has been located; the Eastern Caribbean Supreme Court index is at <https://www.eccourts.org/judgments?type=saint-kitts-and-nevis>.

The statutory redemption period cannot be shortened by a backdated confirmation: *Frongillo v Bank of St. Croix, Inc.* 2026 VI 3, S. Ct. Civ. No. 2025-0034, Supreme Court of the Virgin Islands, Hodge CJ, opinion filed 9 March 2026. After a marshal’s foreclosure sale, the debtor holds a six-month statutory right of redemption under title 28, section 535 of the Virgin Islands Code. The Superior Court had entered its order confirming the sale *nunc pro tunc* — backdated to take effect from an earlier date — which cut the redemption period by 149 days.

Held: the backdating was reversed. The 149 days were restored to the redemption period, running from the Supreme Court’s judgment.

Implication for appraisers. Secured-lending material again: the redemption right is a property interest of the debtor, and its duration is statutory. A purchaser’s title at a marshal’s sale in the Virgin Islands is subject to the full statutory redemption window, and a court order cannot shorten that window by operating retroactively. Any valuation of a foreclosure purchaser’s position during the redemption period turns on how much of the window remains — here, a question the Supreme Court answered to the day.

Source — Supreme Court of the Virgin Islands, published opinions, 2026 VI 3, S. Ct. Civ. No. 2025-0034, opinion of 9 March 2026 (official PDF, read in English): https://cdns5-hosted.civiclive.com/UserFiles/Servers/Server_12810860/File/Opinions/Published/Frongillo%20vs.%20Bank%20of%20STX,%20Inc.%20Opinion.pdf.

Valuer and Appraiser Professional Liability

Negligence, breach of contract, and rarely fraud against the appraiser; bracket and margin of error, intended use, and USPAP compliance.

No published negligence judgment this period. No Caribbean judgment of 2025–26 was found on the *Bratt v Jones* pattern — a valuer sued in negligence. Two adjacent developments are worth recording.

A court list of approved valuers: Cayman Practice Direction 1 of 2025. Practice Direction 1 of 2025, 5 December 2025, approves RICS chartered valuation surveyors for court work — BCQS, Integra Realty Resources (Caribbean) and Charterland among them. Competence is being settled by listing rather than by litigation.

Source — <https://gov.ky/documents/35692/0/Practice+Direction+1+of+2025+-+Chartered+Valuation+Surveyors..pdf/6a2ef68c-6853-f690-7590-e1b47da74a88>

Where the valuation failed, the valuer was not sued. In the Jamaican *Hyde* acquisition above, the owners lost because their valuation was inadmissible — undated and unsworn — not because anybody sued the valuer.

Source — <http://jamaica-gleaner.com/article/news/20260615/homeowners-lose-bid-increased-payout-after-12m-compulsory-acquisition>

Family Law, Divorce, and Equitable Distribution

Date-of-value contests, discounts, and whether a contemplated subdivision or development is reasonably probable.

No decisions in this category this quarter.

Estate, Trust, and Probate

Date-of-death value, lack-of-control and marketability discounts, and mixed real-estate and business interests.

Twelve siblings and 4.75 acres: *Wheatley v Ramlal*. *Wheatley v Ramlal* [2026] UKPC 6, 23 February 2026, is the leading 2026 inherited-land decision: twelve siblings, 4.75 acres, and a trespass claim over “Land on the Hill”.

Source — <https://jcpc.uk/cases/judgments/jcpc-2024-0054>

Partnership, Shareholder, and Buy-out Disputes

Fair value against fair market value, and whether an asset or cost approach is appropriate when the real estate is an operating asset.

Cancellation as interference with property: *Changyou.com*. *Changyou.com Ltd v Four-world* [2025] UKPC 12 (11 March 2025) holds that cancellation of a minority’s shares on a short-form merger is an interference with property, and that dissenters from a short-form merger therefore have the same section 238 appraisal rights as dissenters from a long-form one. The Board reached that result by modification, not construction: section 238 of the Companies Act is read under section 5 of the Cayman Islands Constitution Order 2009 with the changes needed to conform to section 15 of the Bill of Rights (paragraphs 107–108).

Source — <https://caselaw.nationalarchives.gov.uk/ukpc/2025/12>

The working fair-value ruling: Cayman section 238 practice. In section 238 practice through 2026, *Sina Corporation* (FSD 128 of 2021) is still treated as the working fair-value ruling.

Source — <https://www.collascrill.com/services/sub-services/merger-appraisal/>

Insurance, Casualty, Environmental Diminution, and Private Contract Damages

Before-and-after value, cost to cure against stigma, wildfire and contamination, insurance appraisal clauses, options, and partition.

Partition by another name: a strata scheme ended on unchallenged valuation evidence.

The decision below is filed here because the valuation in it served the purpose this heading covers — the ending of co-ownership, with compensation — and none of the other seven. The statute provides for settlement by paying a proprietor the market value of his interest, and the court’s gate was whether the remaining owners lost value. That is a partition question in a Commonwealth strata form.

Never-built strata blocks deemed destroyed — the just-and-equitable gate passed on unchallenged valuation evidence: *In the Matter of Strata Plan No. 608 (“Country Side Estates”)*. *In the Matter of Section 23 of the Strata Titles Registration Act (2013 Revision) and In the Matter of Strata Plan No. 608 (“Country Side Estates”)* [2026] CIGC (Civ) 26, Cause G 55/2026, Grand Court, Ramsay-Hale CJ; heard 12 May 2026, judgment 14 August 2026. The strata plan — the registered plan by which a strata scheme is created, strata title being the Commonwealth condominium form uniting individual unit title with shared common property — registered over Block 28C Parcel 531 at Savannah, Grand Cayman, showed an eight-building scheme. Phase 1 (Blocks B, C, E and F) was built and its units sold; Phase 2 (Blocks A, D, G and H) was never built. The Phase 2 lots carried 2,500 of the scheme’s 4,640 unit entitlements (a lot’s unit entitlement being its share for votes and levies in the scheme). The developer, James Bruce Handford, died, and an amendment of the plan under section 18(3) — which required the unanimous consent of the proprietors, including the proprietor of every future development lot — had failed (paragraphs 6–7). His executors petitioned on 9 March 2026 under section 23; Walkers (Brett Basdeo and David Lee) appeared for the petitioners.

Held: (a) the deceased was “proprietor” of the Phase 2 future development lots even though no separate registers had been opened for them, and that interest devolved to his estate, giving the executors standing under section 23(4) (paragraphs 24–30); (b) “building” is defined by section 2 as “the building or buildings shown in a strata plan”, and the deeming power in section 23(2)(b) is

not confined to physical destruction — blocks shown in the plan but never built could be declared deemed destroyed (paragraphs 33–39); and (c) it was just and equitable to make the declaration. On that third point the petitioners’ valuation evidence carried the day: a valuation from DDL Studio opined that removal of the Phase 2 land would have “a negligible effect” on the values of the completed development and the individual strata lots — “That evidence is not challenged”, and no Phase 1 proprietor advanced a claim for compensation or identified any other financial prejudice (paragraph 46). The court was satisfied that “the valuation evidence does not indicate any material diminution in value” (paragraph 47). No compensation was sought and none was ordered under section 23(3) (paragraph 50). The order: Blocks A, D, G and H deemed destroyed; the Phase 2 land released from the plan as new lots A1 and A2 vesting in the estate; Phase 1 left intact; easements imposed preserving the proprietors’ access to Larva Drive and their utility services.

One statutory feature of the section deserves notice, although it was not engaged here: on the alternative route to the same relief — a resolution of the proprietors rather than a petition — section 23(2A)(a) provides for settlement by paying a proprietor the market value of his interest, a statutory market-value buyout.

Implication for appraisers. The gate through which this deadlocked scheme exited was a valuation question. The statute makes the deeming order discretionary on just-and-equitable grounds, and the court’s finding on that ground rested on unchallenged appraisal evidence that severing the unbuilt phase would work no material diminution in the value of the built one. An appraiser instructed in such a matter is not valuing the land to be released; the assignment is the effect of the release on what remains — and, if the resolution route is taken, the basis fixed by section 23(2A)(a) is market value of the proprietor’s interest.

Source — Judgment, <https://judicial.ky/n0c-storage/judgments-repository3/G0055202608142026STRATA608COUNTRYSIDEESTATESJUDGMENT.pdf>; Strata Titles Registration Act (2013 Revision), legislation.gov.ky.

Mesne profits if the title stands: *Braynen Turnquest v Water and Sewerage Corporation*. *Braynen Turnquest v Water and Sewerage Corporation*, JCPC/2025/0050, concerns a 660-acre tract and a water tank, with mesne profits and infrastructure damages to follow if the title stands.

Source — <https://jcpc.uk/cases/jcpc-2025-0050>

An intangible taken: the Clemente trademark. The Clemente trademark taking (1st Cir. 2026, certiorari sought) puts intangible property and just compensation squarely in issue.

Source — <https://reason.com/2026/08/13/puerto-rico-stole-roberto-clementes-trademark-the-supreme-court-should-make-it-pay/printer/>

Three billion against ten: the PREPA settlement offer. The 2026 PREPA settlement offer of about US\$3 billion stands against roughly US\$10 billion of power-company debt.

Source — <https://www.independent.co.uk/news/puerto-rico-san-juan-latin-america-b3006149.html>

No appraisal-clause decision this period. No reported Caribbean fire or hurricane insurance appraisal-clause decision of 2025–26 was found comparable to the United States *Koffler*, *One Church* and *Portofino* line recorded in the North American digest.

Title and interest — anterior to valuation

The two decisions in this section are not filed under any of the eight purposes, and the reason is not that they resist classification. The eight headings sort a case by the purpose for which a valuation was made. These two decide something prior to that: *what interest exists to be valued at all*. One holds that registered recreational rights over a former resort survived a change of owner — an element of value to the dominant units, an incumbrance on the servient land. The other cancels a registered title outright for fraud, the Torrens principle yielding to its own exception, with long possession extinguishing the paper owner’s remedy. Neither answers what a property is worth; both change what the property is. A digest arranged by category needs somewhere for that, and this is it.

Recreational rights over a former resort held valid from inception: *Cayman Shores Development Ltd v The Proprietors, Strata Plan No. 79*. *Cayman Shores Development Ltd and another v The Proprietors, Strata Plan No. 79 (known as Lion’s Court) and others* [2025] UKPC 27, Judicial Committee of the Privy Council, heard 30 April–1 May 2025, judgment 23 June 2025; sole judgment of Lord Briggs, on a panel with Lords Hodge, Sales, Hamblen and Richards. The dispute concerned the former Britannia resort on Seven Mile Beach, Grand Cayman: some 193 residential units enjoyed recreational rights over the resort facilities — golf course, pools, beach club — registered against the resort lands as “restrictive agreements”. Cayman Shores, a subsidiary of Dart Realty (Cayman) Ltd, acquired the resort lands in 2016 and disputed the rights.

Held: recreational rights of this kind can subsist as easements, following *Regency Villas Title Ltd v Diamond Resorts (Europe) Ltd* [2018] UKSC 57; the registration requirements of section 92 of the Registered Land Act were satisfied, and the departures from the prescribed forms had been approved under section 105(1), so the registration was valid from inception — a properly registered easement and a properly registered restrictive agreement having essentially the same consequence as incumbrances on the servient title. The entries were, in the Board’s words, “at least inelegant” — easements mislabelled as restrictive agreements — and the Board invited the Registrar of Lands to consider the power in section 139(1)(a) to rectify the register and the instruments, a power available for errors not affecting the interests of any proprietor. The Court of Appeal’s order removing the rights from the register was set aside.

The route matters as much as the result. Both courts below had held the rights not properly registered: at trial, Segal J saved them by ordering rectification of the register; the Court of Appeal refused rectification and ordered the entries removed. The Board reached the trial outcome by a different ratio (the part of a judgment that decides and binds) — the registration was valid from the start, so no rectification was needed to sustain it. Walkers appeared for the lot owners; Appleby for the Dart respondents.

Implication for appraisers. The 193 units’ recreational rights are appurtenant property interests, registered and enforceable against the resort lands in the hands of a successor. For the dominant units, the rights are an element of what is being valued; for the servient resort lands, they are an incumbrance that survived a change of owner and a decade of litigation. The mislabelling of the entries did not defeat the rights — but the Board’s invitation to the Registrar is a reminder that what the register calls an interest and what the interest is may differ, and the valuer reads the instrument, not just the label.

Source — <https://caselaw.nationalarchives.gov.uk/ukpc/2025/27>.

Registered title canceled for fraud against long possession: *Cunningham v Hall*. *Len Cunningham and Leroy Cunningham (by their agent Joyce Bunting) v Victor Hall and Sonia Hall* [2025] JMSC Civ 104, Claim No. SU2019CV00533, Supreme Court of Judicature of Jamaica, Anderson J, 26 September 2025. The dispute concerned 972 square meters registered at Volume 1471 Folio 698 of the Register Book of Titles. The claim proceeded under sections 3 and 30 of the Limitation of Actions Act and sections 68, 70, 71, 158, 161 and 163 of the Registration of Titles Act, applying *JA Pye (Oxford) Ltd v Graham* on adverse possession, including factual possession exercised through an agent.

Held: the claimants had been in possession in excess of twelve years — the twelve-year limitation period against private owners is judicially confirmed in the case; the first defendant’s registered title had been obtained by fraud; the subsequent transfer by way of gift was a nullity; the certificate of title was canceled under section 158 of the Registration of Titles Act and a new certificate ordered to issue to the claimants for the disputed land; and the papers were referred to the Director of Public Prosecutions.

Implication for appraisers. This is title-validity material — anterior to valuation, because it goes to what interest exists to be valued. A certificate of registered title, ordinarily the bedrock of a Jamaican appraisal, was canceled outright: fraud is an exception to indefeasibility — the Torrens-registration principle that the register itself is conclusive of title, so a registered owner ordinarily takes free of unregistered claims — under the Registration of Titles Act, and long adverse possession extinguished the paper owner’s remedy. An appraisal that treats the certificate as conclusive has, on facts like these, described an interest the courts will not uphold.

Source — Supreme Court of Judicature of Jamaica, judgment PDF, supremecourt.gov.jm.

Barbados — noted

One matter is noted from Barbados, expressly outside the court systems treated above: in the High Court of Barbados, Justice Dr H. Patrick Wells, in *Leisure Properties (BVI) Ltd* against the operators of the Sea Shed, found an encroachment and trespass on beach land at Mullins said to run from about 2018 — a dining deck, stairs, a disc-jockey booth fixed to a tree, and chairs let for hire — and, in a judgment reported as delivered on 28 May 2026, awarded \$308,000 in damages and \$50,000 in exemplary damages (currency as reported), with interest at 3 percent from service to judgment and 6 percent thereafter, together with orders to remove the structures and reinstate the true boundary within ninety days.

Verification note. Both heads of damages and the date of delivery are taken from a press report published on 4 June 2026; the judgment was not read and no neutral citation has been located. The matter is carried on that footing, and the quantum should not be cited from this entry without the order itself.

Source — *Nation News* (Barbados), “Bar to pay hundreds of thousands in damages for encroachment”, 4 June 2026 (read in English): <https://nationnews.com/2026/06/04/bar-to-pay-hundreds-of-thousands-in-damages-for-encroachment/>. The article was retrieved and read on 19 September 2026.

Decisions recorded but not treated

Identified: Cayman decisions recorded but not treated. The existence of each of the following has been verified against the judgment; each is recorded in one line. The Aqua Bay planning

judicial-review pair: [2026] CIGC (Civ) 11 (5 March 2026, application to set aside leave refused) and [2026] CIGC (Civ) 21 (3 June 2026, the refusal by the chairman of the Planning Appeals Tribunal quashed for inadequate reasons in a 58-page decision and the matter remitted); the Central Planning Authority's permission letter is dated 19 November 2024, and the planning merits remain undecided. *Dixon v Seymour* [2026] CIGC (Civ) 24 (25 June 2026): an ex parte proprietary injunction refused.

Identified: Jamaican decisions recorded but not treated. The existence of each of the following has been verified against the judgment; each is recorded in one line. *Tyndall v Morgan's Harbour Ltd (In Receivership)* [2026] JMCA App 6 (P Williams JA; orders 19 February 2026, reasons 2 March 2026): stay refused after the summary judgment for possession given by Brown Beckford J on 27 November 2025, the applicants framing adverse possession of a leasehold over five unregistered Crown parcels at Port Royal. (*Carib Ocho Rios* [2026] JMCA App 13 is treated under lending above.) *Brooks-Mullings v Watson-Copeland* [2026] JMCA Civ 33 (Staple J, 12 March 2026): joint tenancy and constructive trust.

Source — Court of Appeal of Jamaica, *Tyndall (Kimberley) v Morgan's Harbour Ltd (in receivership)* (official PDF, read in English): <https://www.courtsofappeal.gov.jm/sites/default/files/judgments/Tyndall%20%28Kimberley%29v%20Morgan%27s%20Harbour%20%20Ltd%20%28in%20receivership%29.pdf>.

Identified: United States Virgin Islands decisions recorded but not treated. The existence of each of the following has been verified against the opinion; each is recorded in one line. *In re Estate of Gibbs*, 2025 VI 24 (15 December 2025). *Babij v Cuffy*, 2025 VI 7 (4 March 2025). *Keating-Smith v Mustafa*, 2024 VI 12 (6 March 2024): a forcible-entry-and-detainer action cannot also award rent.

Coverage and completion status

- **Provenance.** This installment incorporates leads supplied by the editor and verified against primary sources on 2 September 2026. The items for which the judgment was read, and those resting on press or commentary, are listed by name under *Scope and Sources*.
- **Jurisdictions identified but not treated.** Barbados (beyond the single noted case) and the member states of the Organisation of Eastern Caribbean States other than Saint Kitts and Nevis. Trinidad and Tobago and the Bahamas, Anguilla, Belize, Cuba and Puerto Rico appear above in short entries only. Candidates for a future installment.
- **Pending appeals.** The priority declaration in *Social Security Board v First Caribbean International Bank* is before the Privy Council on conditional leave granted 17 June 2026. In the Aqua Bay matter, the planning merits remain undecided following remittal.
- **Source gaps.** The 17 June 2026 Saint Kitts and Nevis leave ruling was not carried by the Eastern Caribbean Supreme Court media store at verification and was verified against a third-party mirror; the Barbados matter rests on a press report without a located neutral citation. Both are flagged at the point of use.