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DISTRICT OF COLUMBIA COURT OF APPEALS

No. 24-CV-1150

JANET FINDA AHMADU, APPELLANT,

v.

SAHR L. BOCKAI, SR., APPELLEE.

Appeal from the Superior Court
of the District of Columbia
(2021-CA-002083-R(RP))

(Yvonne M. Williams, *Judge*)

(Submitted June 2, 2026 Decided September 3, 2026)

Charles C. Iweanoge was on the briefs for appellant.

Elizabeth J. McInturff and *Richard J. Bianco* were on the brief for appellee.

Before EASTERLY, DEAHL, and SHANKER, *Associate Judges*.

DEAHL, *Associate Judge*: This case concerns a piece of property that Sahr Bockai paid for in 1999 and directly titled to his sister, Janet Ahmadu. In Bockai's telling, Ahmadu was a mere frontperson whose name he put on the title to keep the property hidden from his estranged wife, who he worried might go after his assets in a divorce. In Ahmadu's telling, Bockai bought her the property as a gift and she

had simply allowed him to maintain and manage it. In the late 2010s, when Bockai developed Alzheimer's disease and two of his children got into a power struggle with Ahmadu, Ahmadu sought to take direct control of the property for the first time.

Bockai then, with his children acting as his guardians, sued Ahmadu to quiet title to the property. Bockai argued that he was always the sole owner of the property and that Ahmadu agreed she "would hold the Property in name only and for Bockai's benefit." In the alternative, Bockai argued that even if Ahmadu was at one point the legal owner of the property, Bockai had acquired it via adverse possession because he had openly, continuously, and adversely possessed the property for more than twenty years. After a bench trial, the trial court ruled that Bockai had established his legal and equitable title to the property by adverse possession because he had been acting like the property's true owner for two decades. The court also rejected Ahmadu's contention that Bockai bought the property for her as a gift. Finally, without explanation, the court awarded Bockai attorney's fees and costs.

Ahmadu now appeals, arguing that the trial court erred in (1) concluding that Bockai adversely possessed the property; (2) concluding that Bockai did not gift the property to Ahmadu, as it overlooked the legally important fact that the property was titled in her name; and (3) awarding Bockai all costs and fees without explanation. We agree with Ahmadu on her first and third claims, and partially agree with her on

the second. The record here did not support a finding of adverse possession because Ahmadu gave Bockai power of attorney to act on her behalf regarding the property, so Bockai's management and control of the property over the decades was not hostile to her. And the trial court gave no explanation for awarding Bockai his attorney's fees and costs, nor is there any readily apparent explanation for that decision on the record. As to Ahmadu's second claim, we see no clear error in the trial court's factual conclusion that Bockai never intended to gift the property to Ahmadu, but it is not clear to us what that finding might be relevant to now that we have set aside the trial court's adverse possession ruling. We thus vacate the order declaring Bockai to be the sole owner of the property and remand for further proceedings consistent with this opinion.

I. Background

In 1999, Bockai purchased property located at 1932 Martin Luther King Jr. Avenue Southeast, in the District's Anacostia neighborhood, so he could open a pharmacy. How Bockai purchased the property underlies the parties' dispute over its ownership today.

Although Bockai contracted to buy the property, and personally paid a $20,000 deposit to purchase it, he directed that the title be issued in his sister's name using a power of attorney that she gave to him. That is, Ahmadu received legal title

to the property directly from its prior owners. That power of attorney also allowed Bockai to act in Ahmadu's interests with respect to the property. For instance, Bockai took out a $180,000 loan against the property in Ahmadu's name to finance his purchase of the property, though Bockai himself later paid off that loan in full.

According to his then-accountant, Bockai bought the property like this to protect his assets from his wife whom he was separated from. He planned to buy the property from Ahmadu at some later time for a nominal amount. Bockai also told others he put the property in Ahmadu's name "for formality['s] sake," and he had similarly bought properties in other family members' names. For example, Bockai used his son's name to buy property in 2001, unbeknownst to his son. After learning about it years later, his son transferred the property to Bockai in a "$0 transaction." Bockai did something similar using his daughter's name. She never transferred the property to him even though she considered it his property.

Ahmadu painted a very different picture of her arrangement with Bockai. In her telling, Bockai bought the Anacostia property for her in appreciation of her years of support as he immigrated to the United States and pursued his pharmacy degree. Because Ahmadu was not in a position to take care of the property herself, she gave Bockai her power of attorney so he could manage it and open a pharmacy there. Ahmadu did not charge Bockai any rent, but instead allowed him to spend any

proceeds from the property on building improvements, and to give "any little change" back to Ahmadu to send to their family in Sierra Leone. Ahmadu would regularly talk to Bockai about the pharmacy and the building's tenants, but she was otherwise hands off because she trusted Bockai to manage the property. As Ahmadu saw it, Bockai's management of the property—paying the operating expenses, renting out the top floor to tenants, and claiming the property's rental income on his tax return—was consistent with their arrangement. Ahmadu further highlighted that she was listed alongside Bockai as a landlord for one of the commercial tenants' leases.

For nearly two decades, whatever arrangement the siblings had, things went off without a hitch. They never got into any arguments about the property, and Ahmadu never revoked the power of attorney she gave to Bockai concerning the property. But by the late-2010s, Bockai had developed Alzheimer's disease, and Ahmadu found herself at odds with his children about who would act as his guardian. Eventually, after contentious court proceedings in Maryland, Bockai's children were appointed as his guardians. The children asserted that the Anacostia property had always belonged to their father, and that Ahmadu was trying to take advantage of his mental state by claiming the property as her own.

Acting as his guardians, Bockai's children then filed this suit on his behalf. They argued that Bockai was the sole owner of the property and that Ahmadu agreed she would serve as a frontperson who "would hold the Property in name only and for Bockai's benefit." In the alternative, they argued that Bockai had acquired the property via adverse possession after more than two decades of continuous possession during which he operated his pharmacy and rented out the top floor, as one would expect of the true owner. In the further alternative, they claimed that Ahmadu would be unjustly enriched if she were permitted to keep the property as the siblings understood it was Bockai's and Bockai is the one who paid for the property.

The case proceeded to a bench trial where the parties introduced testimony consistent with their competing accounts. They also introduced several documents of relevance here, including: (1) the 1999 deed showing the prior owners titled the property directly to Ahmadu "as sole owner"; (2) the deed of trust showing Bockai took out the mortgage in Ahmadu's name using her power of attorney; (3) tax records for both Ahmadu and Bockai showing only Bockai claimed rental income from the property as personal income; (4) various permit applications and financial records demonstrating Bockai's extensive and exclusive management of the property; and (5) a commercial lease for the top-floor of the property listing both Bockai and Ahmadu as landlords.

After a three-day trial, the court issued a written order declaring that Bockai was the property's true and sole owner. We highlight five of the trial court's relevant factual findings here. First, it found that Ahmadu was the "legal owner" of the property in 1999 given that her name was on the title. Second, the trial court found that Ahmadu executed a power of attorney in 1999 and "assign[ed] all her legal rights to the [property] to [Bockai] so he could act in the interest of the Property without seeking [her] permission." Third, the trial court found that Ahmadu "never revoked the terms of the Power of Attorney." Fourth, the court found that Bockai acted "[w]ith the Power of Attorney" when he "maintained and improved the Property, paid all the taxes, bills, and costs incurred for the Property . . . and managed [the pharmacy] without any input from [Ahmadu] at all." And fifth, the court found that Bockai "held himself out publicly as the owner" for over twenty years.

In light of those facts, the court ruled that Bockai had established his adverse possession of the property. It noted that Bockai satisfied each of the three elements of an adverse possession claim, namely: (1) that he possessed the property continuously for more than twenty years, beyond the fifteen-year period required for an adverse possession claim; (2) that his possession of the property was "open, obvious, and exclusive"; and (3) that his possession was "hostile to all other interests." As to the second point, the court found Bockai's possession was

"exclusive" because he managed the property alone. As to the third point, the court rejected Ahmadu's arguments that Bockai managed the property in various respects only with her "permission." It instead reasoned that "Bockai continually asserted his claim of possession by paying all expenses and caring for the Property," rendering his possession "adverse" to Ahmadu's claimed ownership, particularly given that Bockai "had no intention of transferring his title or ownership interest" to Ahmadu.

The court further rejected Ahmadu's claim that Bockai bought the property as a gift for her. It concluded that "Ahmadu ha[d] not overcome th[e] presumption" against finding that Bockai had gifted the property to her, noting that "Bockai never clearly and unmistakably intended to relinquish his interest and control in the Property." *See In re Est. of Walker*, 890 A.2d 216, 222-23 (D.C. 2006) (explaining the presumption against there being an inter vivos gift). Finally, the court ruled that because Bockai had proven his adverse possession of the property, Ahmadu had "no ownership interest" in it and thus had not been unjustly enriched, so it rejected Bockai's alternative unjust enrichment claim.

Accordingly, the court ruled that Bockai "is the sole legal and equitable owner of the" property. Without explanation, the court further awarded Bockai "all costs and fees he incurred in relation to regaining the Property, including attorney's fees." Ahmadu now appeals.

II. Analysis

Ahmadu raises three principal challenges to the trial court's judgment. First, she contends that the evidence did not support a finding of adverse possession because Bockai did not establish, among other things, that he did anything that was "hostile" or "adverse" to her ownership interests. He instead consistently acted under a power of attorney that she had conferred upon him. Second, she asserts that the trial court erred in concluding that Bockai had not gifted her the property. Third, she contends the trial court erred in granting Bockai all litigation costs and attorney's fees.[1]

We largely agree with Ahmadu. The trial court's adverse possession ruling effectively ignored that Ahmadu was the property's legal titleholder dating back to 1999, and that she gave Bockai power of attorney over the property. With that

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[1] We do not reach Ahmadu's fourth claim of error, which is that the trial court erred in denying her motion for summary judgment. The "denial of a motion for summary judgment is," at least generally, "not reviewable on appeal." *Allen v. Yates*, 870 A.2d 39, 45 (D.C. 2005) (quoting *Hammond v. Weekes*, 621 A.2d 838, 839 n.1 (D.C. 1993)); *but see District of Columbia v. Tinker*, 691 A.2d 57, 62 (D.C. 1997) (holding that a denial of summary judgment based on a pure "legal" determination about the applicable statute of limitations was not superseded by the trial and was reviewable). That is because the denial of summary judgment is typically "superseded by the trial of the case on the merits." *Wagner v. Georgetown Univ. Med. Ctr.*, 768 A.2d 546, 559 (D.C. 2001). That is the case here, where Ahmadu has not identified any purely legal grounds for summary judgment in her favor, but instead presses fact-intensive arguments based on a summary judgment record that has since been superseded by the trial record.

backdrop, we do not see how any of Bockai's actions in managing the property could be seen as hostile or adverse to Ahmadu's ownership interests.

A. Background principles relevant to the adverse possession claim

Procuring title through adverse possession has been recognized in this jurisdiction for well over a century. *See Smith v. Tippett*, 569 A.2d 1186, 1189-90 (D.C. 1990); *Reid v. Anderson*, 13 App. D.C. 30, 35-37 (1898); *Bradshaw v. Stott*, 4 App. D.C. 527, 533-35 (1894). To "establish title by adverse possession," an occupant of the subject property "must demonstrate possession of the land that is 'actual, open and notorious, exclusive, continuous, and hostile,' throughout a period of fifteen years." *Sears v. Cath. Archdiocese of Wash.*, 5 A.3d 653, 658 (D.C. 2010) (quoting *Smith*, 569 A.2d at 1190); D.C. Code § 12-301(a)(1).

"Because 'courts presume that one who occupies the land of another does so with the latter's consent,' the party seeking to establish a claim of title by adverse possession has the burden of doing so 'by clear and convincing evidence.'" *Sears*, 5 A.3d at 658 (quoting *Smith*, 569 A.2d at 1190). A supposed adverse possessor cannot prove their possession is exclusive if it is "shared with the true owner" or if the property is held "for another" rather than themselves. *Patterson v. Sharek*, 924 A.2d 1005, 1012 (D.C. 2007) (quoting *Smith*, 569 A.2d at 1190). And the presumption in favor of the legal titleholder is a strong one, where any "[e]vidence of the occupant's

recognition of a superior title can be fatal" to their claim of adversity. *Est. of Wells v. Est. of Smith*, 576 A.2d 707, 711 (D.C. 1990).

Our cases recognize a "countervailing presumption," however, "that possession is adverse 'whenever there is open and continuous use of another's land for the statutory period'" of fifteen years or more. *Sears*, 5 A.3d at 658 (quoting *Smith*, 569 A.2d at 1190). The legal titleholder can rebut this countervailing presumption of adversity with evidence, "either express or implied," that the occupant had their permission to use the land. *See id.* (quoting *Chaconas v. Meyers*, 465 A.2d 379, 382 (D.C. 1983)); *see also Gary v. Dane*, 411 F.2d 711, 713 (D.C. Cir. 1969) (presumption of adverse use succeeded where there was no "evidence of permission sought or accommodation given"). When there is evidence that the legal titleholder permitted the occupant to use the land, an adverse possession claim cannot succeed unless the occupant proves that they disclaimed any need for such permission because they denied the titleholder's ownership of the property. *See Est. of Wells*, 576 A.2d at 710 ("A permissive entry upon land does not ripen into adverse possession . . . until the holder disavows the ownership of the landowners by unequivocal conduct."). To supply evidence of that nature, the occupant must prove some "claim, act or declaration of hostility so manifest and notorious that actual notice" of their adversity "will be presumed." *Id.* (citation modified). "[A]cts of

ownership such as the payment of taxes . . . while tending to support a claim of possession, do not in themselves" establish such hostility. *Id.* at 712.

B. Applying the adverse possession principles to this case

With that background in mind, we turn to Ahmadu's challenges to the trial court's judgment. We may not set aside a trial court's verdict "except for errors of law" or where "the judgment is plainly wrong or without evidence to support it." D.C. Code § 17-305(a); *see also Smith*, 569 A.2d at 1192 n.9 ("We can set aside the trial judge's findings as to adversity only if they are clearly erroneous and without evidence to support them.").

Ahmadu argues there was no evidence from which a rational factfinder could conclude that Bockai adversely possessed the land because, as the legal titleholder, she consistently and expressly permitted Bockai to occupy and manage the land through a power of attorney that she never revoked. Bockai counters that there was no firm evidence of any power of attorney or that Ahmadu "ever directed, supervised, or even communicated" with him about managing the property. We agree with Ahmadu that, as a matter of law, the credited evidence did not support an adverse possession ruling. That is largely because it is undisputed that the deed named Ahmadu as the titleholder and the credited evidence was that she executed a power of attorney that permitted Bockai to manage the property.

Start with the deed. The trial court expressly found that Ahmadu was the legal titleholder in 1999 and had received title directly from the prior owners. Bockai does not appear to challenge this finding on appeal, and regardless, the evidence overwhelmingly supports it. Ahmadu's name appears on the deed that was entered into evidence, and Bockai's accountant, children, and half-brother all acknowledged the property was originally titled to Ahmadu.

Likewise, there was evidence that Ahmadu consented to Bockai's conduct on the property by granting him power of attorney over the property. Bockai now asserts on appeal that Ahmadu "effectively waived" any reliance on this power of attorney because "she made no effort to introduce the document" assigning her power of attorney to Bockai "into evidence at trial." But that is neither here nor there. Even though Ahmadu did not produce any actual document giving Bockai her power of attorney in 1999—she attempted to introduce such a document but was precluded from doing so because it was not in her pretrial list of exhibits—there was considerable independent evidence that she did so. That evidence includes multiple exhibits that showed Bockai signed Ahmadu's name on property documents using her power of attorney. The trial court credited that evidence as establishing that Ahmadu did in fact "sign[] a Power of Attorney" so that Bockai "could act in the interest of the Property without seeking permission from" her, and that factual finding was not clearly erroneous, so we leave it undisturbed. *See Galvin v. Ruppert*

Nurseries, Inc., 341 A.3d 1165, 1170 (D.C. 2025) ("After a bench trial, we review a trial court's factual findings for clear error." (quoting *DCA Capitol Hill LTAC, LLC v. Capitol Hill Grp.*, 332 A.3d 518, 530 (D.C. 2025))).

The credited evidence was thus that Ahmadu was the legal titleholder to the property, and she was therefore entitled to a presumption that she authorized Bockai to occupy and use the property. While Bockai was entitled to a countervailing presumption that his open and continuous use of the land was adverse to Ahmadu, *Sears*, 5 A.3d at 658, Ahmadu rebutted that presumption with strong and credited evidence that she expressly allowed Bockai to use the property with her consent via a power of attorney. That means for Bockai's occupancy of the property to have become adverse to Ahmadu at some point during that occupancy, he must have given Ahmadu actual notice that he disclaimed her ownership interests as the titleholder, or committed some "act or declaration of hostility so manifest and notorious that actual notice will be presumed." *Est. of Wells*, 576 A.2d at 710 (citation modified). There is no evidence of either thing.

First, there is no evidence that Bockai gave Ahmadu actual notice that he had disclaimed her title and disavowed her power of attorney before the guardianship dispute between Ahmadu and Bockai's children arose in the late 2010s. Any adversity arising from that dispute in the late 2010s had not persisted for the

statutorily required fifteen years. Two of Bockai's children confirmed that there were no disputes over the property for nearly two decades, and other testimony showed only that Bockai told *other* family members, not his sister, that he considered the property his own and had titled it to Ahmadu only for "formality['s] sake."

Second, contrary to Bockai's arguments and the trial court's reasoning, the evidence that Bockai acted like the property's true owner does not show manifestly adverse conduct given that Ahmadu gave him permission to do just that through her power of attorney. A landowner is free to relinquish day-to-day control of a property, and to authorize another to take on all the encumbrances of ownership as their agent, without relinquishing their ownership interests. *See Sears*, 5 A.3d at 658; *Chaconas*, 465 A.2d at 382 ("[W]here a claimant relies upon a presumption of adverse use[], the landowner may rebut that presumption with contrary evidence of permissive use."). And here, Ahmadu's power of attorney provided clear evidence that she gave Bockai permission for his use of the property, so that alone could not establish adversity. *See Smith*, 569 A.2d at 1190 (noting a claim of adversity "must be established by clear and convincing evidence").

We are not persuaded by Bockai's additional counterpoints. First, Bockai relies on the trial court's reasoning that his possession of the land was hostile to Ahmadu's ownership because he "had no intention of transferring his title or

ownership interest" to Ahmadu. To the extent he relies on that as proof of his adverse possession, that reasoning is circular because it presumes the very thing in dispute—that Bockai ever had an ownership interest in the property that he could transfer. Once disabused of that premise, there was nothing in Bockai's occupancy that amounted to an express or manifest disavowal of Ahmadu's superior title as the titleholder.

Second, Bockai highlights the trial court's finding that Ahmadu never specifically granted him "permission" to operate a pharmacy on the land, and that even if she did, he somehow disclaimed that permission by continuously and openly occupying the property in a way that only a true owner would. *See Smith*, 569 A.2d at 1990. But the lack of express permission for a pharmacy in particular could not establish Bockai's adversity to Ahmadu's ownership interests. Again, a landowner can permit another person to have free reign over their property and use it just as a true owner would, and it is only where the occupant expressly or manifestly disavows the need for such permission—and thus the titleholder's ownership interests—that adversity is triggered.

In sum, the trial court's conclusion that Bockai had established the requisite elements of adverse possession by clear and convincing evidence was not supported by the record evidence. *See Smith*, 569 A.2d at 1192 n.9; D.C. Code § 17-305(a).

His conduct in managing the property, and using it for his pharmacy business, was consistent with the presumption and credited evidence that he did so with Ahmadu's permission, consistent with the power of attorney she executed in his favor. We thus reverse the trial court's judgment declaring that Bockai had obtained legal and equitable ownership of the property through adverse possession, as the record does not support that conclusion as a matter of law. Notably, because the trial court ruled against Bockai on his unjust enrichment claim on the basis that he adversely possessed the property, we also vacate the unjust enrichment portion of the trial court's order, and the court is free to reassess that claim on remand.

C. The court's finding that the property was not a gift was internally inconsistent and requires a remand

Ahmadu also challenges the trial court's conclusion that Bockai had not "purchased the Property for [Ahmadu]" as a gift. Ahmadu contends this finding was at odds with the court's findings that she was the legal titleholder of the property in 1999, and that Bockai acquired legal title to the property only through adverse possession.

We agree that the trial court's rulings were internally inconsistent and should now be revisited. The trial court's core analysis was that Ahmadu was the legal titleholder to the property as of 1999, and that after fifteen years—at some point in

2014 or later—Bockai obtained legal title to the property via adverse possession. In light of that, the trial court's examination of whether Bockai gifted Ahmadu legal title to the property at around the time of its acquisition in 1999 was a non sequitur. That reasoning suffered from the same circularity we identified above as to one of Bockai's arguments: it presumes the very thing in dispute, which is whether the legal title to the property was ever Bockai's to "gift" unto Ahmadu, given that she alone was the sole legal titleholder from the date of the property's acquisition. Once stripped of its adverse possession underpinnings, the trial court's gift analysis leaves unanswered how precisely legal title to the property was ever Bockai's to gift in the first place. Bockai never held legal title in the subject property, and it is a "basic principle of property law" that "no one can give what he does not have." *See Ackerman v. Abbott*, 978 A.2d 1250, 1255 (D.C. 2009). Likewise, a person cannot acquire through adverse possession property that they already own. *See In re Tyree*, 493 A.2d 314, 317 n.6 (D.C. 1985); *Harvey v. Miller*, 24 App. D.C. 51, 53 (1904).

To be clear, we do not disturb the trial court's factual finding that Bockai did not *intend* to purchase the property as a gift for Ahmadu, as that finding was not clearly erroneous. And that finding may have significant ramifications for the proper resolution of this dispute independent of whether Bockai has ever held legal title to the property. Perhaps the trial court's reasoning was simply stated somewhat imprecisely, and it meant that Bockai did not intend his $20,000 deposit or the

mortgage payments over the years as gifts to Ahmadu. That reasoning sounds not in a claim to legal title but squarely in an equitable claim like unjust enrichment or a constructive trust: i.e., that through those various payments, Bockai conferred a benefit upon Ahmadu that he did not intend as a gift, and thus it would be unjust to permit her to retain it. *See Leeks v. Leeks*, 570 A.2d 271, 274-75 (D.C. 1989) ("When a transfer of property is made to one person and the purchase price is paid by another, the general rule is that a resulting trust arises in favor of the person who paid the purchase price," with "the person paying the purchase price hold[ing] the equitable fee.").

The trial court resolved Bockai's unjust enrichment claim against him, however, albeit for reasons that stemmed from its adverse possession ruling that we have now reversed. The court is now free to revisit its resolution of that unjust enrichment claim, and Bockai's attendant request for the court "to impose a constructive trust on the Property in Bockai's favor," on remand.[2] We leave it to the trial court in the first instance to resolve those claims.

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[2] The trial court did not address Bockai's claim that he was entitled to a constructive trust, which he couched as part of his unjust enrichment claim. *See Hertz v. Klavan*, 374 A.2d 871, 873 (D.C. 1977) ("A constructive trust is a flexible remedial device used to force restitution in order to prevent unjust enrichment.").

D. Attorney's fees and costs

Finally, we agree with Ahmadu that the trial court's fee award should be vacated because the court did not offer any basis for that award. "In many cases, 'the failure to articulate the reasons for a particular fee award renders the trial court's determination effectively unreviewable and has been held to constitute an abuse of discretion warranting reversal.'" *Fed. Mktg. Co. v. Va. Impression Prods. Co.*, 823 A.2d 513, 530 (D.C. 2003) (quoting *Frazier v. Franklin Inv. Co.*, 468 A.2d 1338, 1341 (D.C. 1983)). This is such a case.

Bockai counters that we can infer that the court "tacitly acknowledged" that Ahmadu's claims "lacked factual and legal support" and were brought in bad faith. We will not lightly assume that a trial court has found a litigant has acted in bad faith, particularly here, where Ahmadu is the titleholder to the property in question so it is hard to doubt that she has litigated at least the core of this dispute in good faith. In any event, even if the trial court had implicitly found that Ahmadu was acting in bad faith throughout this litigation, our disagreement with the court's adverse possession ruling against Ahmadu might reasonably prompt it to revisit that conclusion, so we vacate the award.

III. Conclusion

For the foregoing reasons, we vacate the trial court's order declaring Bockai the legal and equitable owner of the property and likewise vacate the award of costs and fees to Bockai. We remand the case for further proceedings consistent with this opinion.

So ordered.