

THE EASTERN CARIBBEAN SUPREME COURT
IN THE HIGH COURT OF JUSTICE
ANTIGUA AND BARBUDA



Claim No. ANUHCV 2011/0478

BETWEEN:

STANFORD INTERNATIONAL BANK LIMITED (IN LIQUIDATION)
(Acting by and through its Joint Liquidators, Marcus A. Wide and Hugh Dickson)
Applicant/Claimant

and

(1) ROBERT ALLEN STANFORD
(2) ANDREA STOELKER
(3) STANFORD DEVELOPMENT COMPANY LIMITED
(4) MAIDEN ISLAND HOLDINGS LIMITED
(5) GILBERTS RESORT DEVELOPMENT HOLDINGS LIMITED
(6) STANFORD HOTEL PROPERTIES LIMITED
Respondents/Defendants

APPLICATION NOTICE

The Applicant, **Stanford International Bank Limited (In Liquidation) (Acting by and through its Joint Liquidators, Marcus A. Wide and Hugh Dickson)**, of No. 11 Pavilion Drive, PO Box 3300, St John's, Antigua, West Indies applies to the Court for Orders that:

- a. Pursuant to CPR 26.1(2)(k) and 11.11 (3), the time in which the Applicant is to serve the Notice of Application on the Respondents be abridged and therefore the Applicant has provided the Respondents with sufficient notice of this Application.
- b. The Order of this Court dated 28 July 2011 (the "Freezing Order") be varied in the form attached to this Application.

- c. The costs of this application be reserved to the Judge hearing the trial of this matter.

A draft of the Order sought is attached.

GROUND

1. This Application is supported by the Fifth Affidavit of Marcus A. Wide sworn to on the 24th August 2011.
2. The First Respondent was the sole shareholder in Stanford International Bank Limited (“SIB”).
3. The Second Respondent is the girlfriend of the First Respondent and has been granted various powers of attorney by him, and appears to act as his agent.
4. The Third, Fourth, Fifth and Sixth Respondents are beneficially owned by the First Respondent.
5. The Third to Sixth Respondents are however currently controlled by the Second Respondent, *inter alia*, through certain powers of attorney signed by the First Respondent (the validity of which is not admitted by the Applicant).
6. On 19th February 2009 the Financial Services Regulatory Commission of Antigua and Barbuda (the “FSRC”) appointed Peter Wastell (“Mr. Wastell”) and Nigel Hamilton-Smith (Mr. Hamilton-Smith”) as receiver managers of SIB.
7. On 26th February 2009 this Honourable Court ratified that appointment.
8. On 15th April 2009 this Honourable Court ordered the winding-up of SIB.
9. On 12th May 2011 Mr. Wastell and Mr. Hamilton-Smith were replaced as liquidators by this Honourable Court by Mr. Wide and Mr. Dickson.
10. The Applicant is aware of 36 separate parcels of land held in the names of the Third to the Sixth Respondents in Antigua worth approximately \$70 million at a fire sale value (the “Properties”) In addition, the Applicant is aware of certain

valuable assets which are not real property; and which the Applicant believes comprises, inter alia, valuable building materials, plant and equipment and rents (the "Moveable Property").

11. It is the Applicant's position that the Properties are held on constructive and/or resulting trust for the Estate.
12. It has been brought to the Applicant's attention that the Second Respondent has been attempting to sell some of the Properties held on constructive and/or resulting trust for the Estate at apparently discounted prices and without the consent of the Applicant.
13. Further, the Second Respondent is currently receiving rents for some of the Properties held on constructive and/or resulting trust for the Estate and has not turned over the same to the Estate.
14. On 28th July 2011 the Honourable Justice Remy granted a freezing injunction and/or subject matter preservation order against the Respondents in respect to certain named assets (the "Interim Injunction") and return hearing was set down to be heard on 25th August 2011
15. On the 25th August 2011 the Honourable Justice Remy ordered that the Interim Injunction be extended to 4pm on the 31st August 2011.

Abridgment of time for service of Application

16. Under CPRs 26.1(2) (k) and 11.11 (3) this Court has the discretion to dispense with the requirement to serve the Respondents with the Notice of Application at least 7 days before the hearing. The Applicant requests that this Court does so for the following reasons:
 - i. it would be convenient and cost effective for this Application to be heard on the same date as the Return Hearing;
 - ii. this Application does not raise any complex issues of law;
 - iii. the Respondents are well aware of the background to this Application.

- iv. An abridgment of the time for serving this Application would enable the Court to deal with this matter both expeditiously and proportionately.

Variation of the Interim Injunction

17. Currently the provisions contained in Clause 5 (iii) (1) and (2) of the Interim Injunction only expressly apply to the First and Second Respondents.
18. Although the Applicant maintains that Clause 5 (iii) (1) and (2) applies indirectly to the Third to Sixth Respondent (“the Company Respondents”) by virtue of the fact that the First Respondent beneficially owns them, in the interests of clarity this Clause should expressly apply to all the Respondents to prevent the dissipation of certain assets that are currently being held by the Respondents for the Applicant under a constructive and/or resulting trust.
19. If Clause 5 of the Interim Injunction is not expressly extended to the Third to Sixth Respondents the Respondents may take the opportunity to dissipate such assets before the determination of the Applicant’s substantive claims against each of the Respondents.
20. Therefore, the substantive claims intended to be made by the Applicant against the Respondents may potentially be rendered nugatory if such dissipation takes place.
21. The Respondents will continue to be adequately protected by the Applicant’s undertakings, including its cross undertaking in damages.
22. The Applicant seeks an amendment to the Interim Injunction to ensure that all third parties holding funds owed to any of the Respondents should pay such funds into Court. The Applicant has received a number of queries from Third Parties on this point and wishes to amend the Interim Injunction so there can be no doubt as to what is required of Third Parties.
23. In addition, the Applicant seeks an amendment to the Interim Injunction to require the Corporate Respondents to prepare a detailed schedule of monthly payments to be made in the ordinary course of business. The Applicant has received a number of enquiries from Third Parties on this point and wishes to amend the Interim

Injunction so that there can be no doubt as to what constitutes payments made in the ordinary course of business.

24. Finally, the Applicant has noted certain minor typographical errors in the Interim Injunction which it seeks to amend at this time.

Dated: 24th August 2011

Signed 

Nicolette M. Doherty
Attorney at Law and Notary Public
P.O. Box W1161,
Island House, Newgate Street
St. John's, Antigua, West Indies
Legal Practitioners for the Applicant
Tel: 1 (268) 462 4468/9
Fax: 1 (268) 561 1056

NOTICE:

This Application will be heard by the Honourable Justice Remy on [] August 2011, at [] am/pm in Chambers.

If you do not attend this hearing an order may be made in your absence.

NB This Notice of Application must be served as quickly as possible on the Respondents to the Application.

The Court Office is at Parliament Drive, Saint John's, Antigua, W.I., telephone number 268-462-3929, fax number 268-462-3929. The Office is open between 8:30 a.m. and 4:30 p.m., Monday to Friday except public holidays.

The Applicant's address for service is:

Nicolette M. Doherty
Attorney at Law and Notary Public.

P.O. Box W1161, Island House, Newgate Street, St John's Antigua, West Indies
Telephone: 1 (268) 462 4468/9 Fax: 1 (268) 561 1056.

Legal Practitioners for the Applicant.

THE EASTERN CARIBBEAN SUPREME COURT
IN THE HIGH COURT OF JUSTICE
ANTIGUA AND BARBUDA



Claim No. ANUHCV 2011/0478

BETWEEN:

STANFORD INTERNATIONAL BANK LIMITED (IN LIQUIDATION)
(Acting by and through its Joint Liquidators, Marcus A. Wide and Hugh Dickson)
Applicant/Claimant

and

(1) ROBERT ALLEN STANFORD
(2) ANDREA STOELKER
(3) STANFORD DEVELOPMENT COMPANY LIMITED
(4) MAIDEN ISLAND HOLDINGS LIMITED
(5) GILBERTS RESORT DEVELOPMENT HOLDINGS LIMITED
(6) STANFORD HOTEL PROPERTIES LIMITED
Respondents/Defendants

DRAFT ORDER

BEFORE: the Honourable Justice Remy

DATED: [] August 2011

ENTERED: [] August 2011

UPON considering the Application for Continuation of the Order of the Honourable Justice Remy dated 28th July 2011 and the First, Second, Fourth and Fifth Affidavits of Marcus A. Wide dated 15th and 18th July 2011 and 9th and 24th August 2011 respectively; the D'Ornellas Affidavit dated 25th July 2011; the First and Second Affidavits of Mark McDonald dated 25th and 27th July 2011 respectively, the Written Submissions filed on the 22nd July 2011 and [] August 2011, the Fifth Affidavit of Marcus A. Wide dated the 24th August 2011 on behalf of the Applicant; the First Affidavit of Andrea Stoelker dated 24th August 2011 and the First Affidavit of Barbara Streete dated 24th August 2011

and the Written Submissions filed on the [] August 2011 on behalf of the Second to Sixth Respondents

UPON HEARING Mr Sydney Bennett QC, Ms Nicolette M. Doherty and Mr Craig Christopher as instructed by the firm of Martin Kenney & Co. of the British Virgin Islands, represented by Mr Jamie James, Mr Andrew Gilliland and Mr Dan Wise acting for the Joint Liquidators represented by William Gunn and [] and Mr. Hugh Marshall acting for the Second to Sixth Respondents and the First Respondent not being represented.

AND UPON deciding that sufficient notice of the Applicant's Application dated 25th August 2011 has been given to the Respondents

IT IS ORDERED THAT the Application is hereby granted in the terms more particularly set out below as against the First to Sixth Respondents.

PENAL NOTICE

IF YOU (a) ROBERT ALLEN STANFORD, (b) ANDREA STOELKER, (c) STANFORD DEVELOPMENT COMPANY LIMITED, (d) MAIDEN ISLAND HOLDINGS LIMITED, (e) GILBERTS RESORT DEVELOPMENT HOLDINGS LIMITED, (f) STANFORD HOTEL PROPERTIES LIMITED OR YOUR AGENTS DISOBEY THESE ORDERS YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED. ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS EACH AND/OR ALL OF THE DEFENDANTS TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED.

The Order.

1. The Order of this Court dated 28 July 2011 be varied in the form attached to Schedule "A" to this Order.
2. The costs of this application be reserved to the Judge hearing the trial of this matter.

DATED the [] August 2011

BY THE COURT

REGISTRAR

**IN THE HIGH COURT OF JUSTICE
ANTIGUA AND BARBUDA**

Claim No. ANUHCV 2011/0478

BETWEEN:

**STANFORD INTERNATIONAL BANK LIMITED (IN
LIQUIDATION)
(Acting by and through its Joint Liquidators, Marcus A.
Wide and Hugh Dickson)
Applicant/Claimant
and**

**(1) ROBERT ALLEN STANFORD
(2) ANDREA STOELKER
(3) STANFORD DEVELOPMENT COMPANY
LIMITED
(4) MAIDEN ISLAND HOLDINGS LIMITED
(5) GILBERTS RESORT DEVELOPMENT
HOLDINGS LIMITED
(6) STANFORD HOTEL PROPERTIES LIMITED
Respondents/Defendants**

DRAFT ORDER

**Nicolette M. Doherty
Craig Christopher
Legal Practitioners for the Applicant
Attorney at Law and Notary Public
PO Box W1661,
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Schedule A

**THE EASTERN CARIBBEAN SUPREME COURT
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BETWEEN:

**STANFORD INTERNATIONAL BANK LIMITED (IN LIQUIDATION)
(Acting by and through its Joint Liquidators, Marcus A. Wide and Hugh Dickson)
Applicant/Claimant**

and

**(1) ROBERT ALLEN STANFORD
(2) ANDREA STOELKER
(3) STANFORD DEVELOPMENT COMPANY LIMITED
(4) MAIDEN ISLAND HOLDINGS LIMITED
(5) GILBERTS RESORT DEVELOPMENT HOLDINGS LIMITED
(6) STANFORD HOTEL PROPERTIES LIMITED**

Respondents/Defendants

ORDER

BEFORE: The Honourable Justice Jennifer Remy

DATE: The 28th [] day of ~~July~~ August, 2011

ENTERED: The 28th [] day of ~~July~~ August, 2011

UPON READING the Affidavits of Marcus A. Wide sworn on 15th July 2011, ~~and~~ 18th July, 2011, 9th August 2011 and 24th August 2011 and the Affidavit of Brian D'Ornellas sworn on 25th July, 2011 and the Affidavits of Mark McDonald sworn on 25th July, 2011 and 27th July, 2011

and the Written Submissions in support filed on the 22nd July, 2011 and [] August 2011 and the Fifth Affidavit of Marcus Wide filed on the [] August 2011, on behalf of the Applicant and the Affidavit of Andrea Stoelker sworn on the 24th August 2011, the Affidavit of Barbara Streete sworn on the 24th day of August 2011 and the Written Submissions in opposition filed on the [] August 2011 on behalf of the Second to the Sixth Respondents.

UPON HEARING Mr Sydney Bennett QC, Ms Nicolette M. Doherty and Mr Craig Christopher as instructed by the firm of Martin Kenney & Co. of the British Virgin Islands, represented by Mr Jamie James, Mr Andrew Gilliland and Mr Dan Wise acting for the Joint Liquidators represented by William Gunn and [] and Mr. Hugh Marshall acting for the Second to Sixth Respondents and the First Respondent not being represented.

IT IS ORDERED THAT the Application is hereby granted in the terms more particularly set out below as against the 1st – 6th Respondents.

PENAL NOTICE

IF YOU (a) ROBERT ALLEN STANFORD, (b) ANDREA STOELKER, (c) STANFORD DEVELOPMENT COMPANY LIMITED (d) MAIDEN ISLAND HOLDINGS LIMITED, (e) GILBERTS RESORT DEVELOPMENT HOLDINGS LIMITED, (f) STANFORD HOTEL PROPERTIES LIMITED OR YOUR AGENTS DISOBEY THESE ORDERS YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS EACH AND/OR ALL OF THE DEFENDANTS TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED.

THIS ORDER

1. This freezing order or, alternatively, this Subject Matter Preservation Order (“SMPO”), is ~~made against~~ made on 28th July 2011 in the amended form contained herein be continued as against:

- (i) **Robert Allen Stanford** of Barnacle Point, St George, Antigua (but held in pre-trial detention at the Federal Medical Center of the Butner Correctional Complex, Butner, North Carolina under Federal Bureau of Prisons No. 35017-183);
- (ii) **Andrea Stoelker** of Cedar Valley Springs, St. John's, Antigua;
- (iii) **Stanford Development Company Limited** of Ann Rebecca House, Factory Road, St. John's, Antigua;
- (iv) **Maiden Island Holdings Limited** of Ann Rebecca House, Factory Road, St. John's, Antigua;
- (v) **Gilberts Resort Development Holdings Limited** of Ann Rebecca House, Factory Road, St. John's, Antigua; and
- (vi) **Stanford Hotel Properties Limited** of Cort and Cort Chambers, 44 Church Street, St John's, Antigua.

until the trial of this matter or further order of this court.

~~2. There will be a further hearing in respect of this Order on the 25th day of August, 2011.~~

32. Unless otherwise stated references in the Order to "Respondents" means all of them. This Order is effective against any Respondent on whom it is served, or who is given notice of it.

~~4. This Order shall expire at 9:00a.m. On the 25th day of August, 2011 unless the currency of this Order is continued by a further Order of this Court. The application underlying this Order shall be considered further at the hearing returnable on the 25th day of August, 2011.~~

53. **IT IS ORDERED** as follows:

- i. That this matter be heard on an urgent basis.
- ii. The First and Second Respondents be restrained, whether by themselves, their servants or agents or any of them or otherwise howsoever from taking, transferring, leasing, selling or otherwise disposing of, or taking, any of the properties as set out in Schedules A – D attached to this Order.
- iii. (1) The ~~First and Second~~ Respondents be restrained from removing from Antigua any of their assets which are in Antigua up to the value of US\$1,302,711,942. This clause applies to all of the ~~First and Second~~ Respondents' assets — whether or not they are in their own names and whether they are solely or jointly owned, or whether held for them by nominees or in trust for them. For the purposes of this Order, the ~~First and Second~~ Respondents' assets include (but are not limited to) any asset in which they have a legal and/or beneficial interest; and/or the power — directly or indirectly — to dispose or deal with as if it were their own. The ~~First and Second~~ Respondents are to be regarded as having such power if a third party holds or controls the asset in accordance with either or both of the ~~First and Second~~ Respondents' direct or indirect instructions.

(2) If the total value free of charges or other securities of any of the First or Second Respondents' assets in Antigua and Barbuda exceeds US\$1,302,711,942, the ~~First or Second~~ Respondent whose assets exceed such amount may remove any of those assets from Antigua and Barbuda or may dispose of or deal with them so long as the total unencumbered value of the ~~First or Second~~ that Respondents' assets still in Antigua and Barbuda remains above US\$1,302,711,942.

- iv. The Third Respondent be restrained and enjoined by itself, its employees, servants or agents or howsoever otherwise from mortgaging, leasing, selling, assigning or otherwise alienating, encumbering, parting or dealing with all, or any part of, the properties listed at Schedule A to this Application, whether by sale, gift, conveyance, pledge, hypothecation or howsoever otherwise until the outcome of the trial of this action or further order, SAVE AND EXCEPT, that the Third Respondent may enter into the sale of any of the properties listed in Schedule A on the conditions that any such sale(s) be (i) for fair market value to arm's length and *bona fide* purchasers, (ii) in the ordinary course of the Third Respondent's business; (iii) that the Applicant is provided with written notice of any such proposed sale and gives its written approval in the advance of any such sale; (iv) and that any proceeds from any such sales be paid by any purchaser directly into Court;
- v. The Fourth Respondent be restrained and enjoined by itself, its employees, servants or agents or howsoever otherwise from mortgaging, leasing, selling, assigning or otherwise alienating, encumbering, parting or dealing with all or any part of the properties listed at Schedule B to this Application, whether by sale, gift, conveyance, pledge, hypothecation or howsoever otherwise until the outcome of the trial of this action or further order, SAVE AND EXCEPT, that the Fourth Respondent may enter into the sale of any of the properties listed in Schedule B on the conditions that any such sale(s) be (i) for fair market value to arm's length and *bona fide* purchasers, (ii) in the ordinary course of the Fourth Respondent's business; (iii) that the Applicant is provided with written notice of any such proposed sale and gives its written approval in advance of any such sale; (iv) and that any proceeds from any such sales be paid by any purchaser directly into Court.
- vi. The Fifth Respondent be restrained and enjoined by itself, its employees, servants or agents or howsoever otherwise from mortgaging, leasing,

selling, assigning or otherwise alienating, encumbering, parting or dealing with all or any part of the properties listed at Schedule C to this Application, whether by sale, gift, conveyance, pledge, hypothecation or howsoever otherwise until the outcome of the trial of this action or further order, SAVE AND EXCEPT, that the Fifth Respondent may enter into the sale of any of the properties listed in Schedule C on the conditions that any such sale(s) be (i) for fair market value to arm's length and *bona fide* purchasers, (ii) in the ordinary course of the Fifth Respondent's business; (iii) that the Applicant is provided with written notice of any such proposed sale and gives its written approval in advance of any such sale; (iv) and that any proceeds from any such sales be paid by any purchaser directly into Court.

vii. The Sixth Respondent be restrained and enjoined by itself, its employees, servants or agents or howsoever otherwise from mortgaging, leasing, selling, assigning or otherwise alienating, encumbering, parting or dealing with all or any part of the properties listed at Schedule D to this Application, whether by sale, gift, conveyance, pledge, hypothecation or howsoever otherwise until the outcome of the trial of this action or further order, SAVE AND EXCEPT, that the Sixth Respondent may enter into the sale of any of the properties listed in Schedule D on the conditions that any such sale(s) be (i) for fair market value to arm's length and *bona fide* purchasers, (ii) in the ordinary course of the Sixth Respondent's business; (iii) that the Applicant is provided with notice of any such proposed sale and gives its written approval in advance of such sale; (iv) and that any proceeds from any such sales be paid by any purchaser into Court.

viii. That the Third to Sixth Respondents (the "Company Respondents") be restrained and enjoined by themselves, their its employees, servants or agents or howsoever otherwise from mortgaging, leasing, selling, assigning or otherwise alienating, encumbering, parting or dealing with any moveable assets found on any of the properties listed in Schedule A to D and that each

of the Company Respondents shall prepare a detailed inventory of such moveable assets and provide the same to Applicant's Counsel verified by a director of each of the respective Company Respondent's by Affidavit (the "Inventory" or "Inventories") SAVE AND EXCEPT, that after the provision of the respective inventories any of the Company Respondents may enter into the sale of any moveable assets found on any of the properties listed in Schedules A - D on the conditions that any such sale(s) be (i) for fair market value to arm's length and *bona fide* purchasers, (ii) in the ordinary course of the relevant Company Respondent's business; (iii) that the Applicant is provided with written notice of any such proposed sale and gives its written approval in advance of such sale; (iv) that any proceeds from any such sales be paid by the purchaser directly into Court; and (v) that the Inventories shall have been provided.

ix. That the Company Respondents shall prepare a detailed schedule of monthly payments to be made in the ordinary course of business and provide the same to Applicant's counsel verified by a director of each of the respective Company Respondents by affidavit ("the Payment Schedules") and subject to the approval of the Applicant's counsel, such payments shall be deemed to be made in the ordinary course of the relevant Company Respondent's business.

54. The prohibition against the transfer or diminution of assets as set forth above includes the assets listed at Schedule "A" to this Order.

6. 5. The Applicant shall have permission to:

(a) serve this Order and associated Court Process outside the jurisdiction as against the First Respondent in the United States of America. The period in which the First Respondent must return the Acknowledgement of Service is 35 days after the date of service of the Statement of Claim and for the Defence 56 days after the service of the Statement of Claim; and

(b) If the Applicant is unable to effect service of this order and associated Court Process within Antigua and Barbuda, the Applicant shall have permission to serve this Order and associated Court Process outside the jurisdiction as against the Second Respondent in Jamaica. The period in which the Second Respondent must return the Acknowledgement of Service is 35 days after the date of service of the Statement of Claim and for the Defence 42 days after the service of the Statement of Claim.

76. The Applicant is permitted to serve its Statement of Claim in accordance with CPR Rule 8.2 within 14 days of the date of this Order.

PROVISION OF INFORMATION

7. Unless Clause 8 herein applies, the Respondents must, within 72 hours of service of this Order, and to the best of their respective abilities, each inform the Applicant's lawyers in writing of all their assets within Antigua and Barbuda exceeding US\$2,000 in value (the "Minimum Value Figure"), whether in their own names or not, and whether solely or jointly owned, and give their value, location and details of all such assets. Where the assets include moveable assets and in particular building materials such as stone for building, marble, timber of fixtures and fitting such as taps, floor tiles, carpet or furniture, the Minimum Value Figure shall apply to the aggregate value of such moveable assets within a particular category.
8. If the provision of any of this information is likely to incriminate the Respondents, or any of them, they may be entitled to refuse to provide it, but it is recommended that the Respondents take legal advice before refusing to provide the information. Wrongful refusal to provide the information is contempt of court and may render the Respondents, or any of them, liable to be imprisoned, fined or have their assets seized. The information to be provided pursuant to this Clause 7 of the Order includes:

- (i) All correspondence, documentation, electronic funds transfer records, bank statements and like documentation relating to the transfer or receipt of assets or value of Stanford International Bank Limited, or assets of any company affiliated with Stanford International Bank Limited, or beneficially owned or controlled by the First Respondent within the custody and control of the Respondents to this Order, or capable of being procured by the Respondents to this Order;
- (ii) Details of bank accounts of origin and the destination bank accounts from which, or to which consideration relating to the requisition or disposal of the assets identified in Schedules "A" to "D" of this Order were purchased and/or disposed of by the Respondents; and
- (iii) Whether the Respondents' respective and purported interests in the assets defined in Schedule "A" to "D" of this Order have been assigned or otherwise transferred, loaned, leased or charged to any third party. If so, full details of the terms of that assignment, transfer, loan, lease or charge and:
 - (a) the value and nature of the consideration paid for that assignment;
 - (b) full details of the assignee including anti-money laundering and/or know your client due diligence conducted by any of the Respondents to this Order (including any such due diligence carried out by professional advisors on any of the Respondents' behalf); and
 - (c) full details regarding the identity and location of the beneficial owners of the assignee and of the directors of

record of any such assignee, transferee, borrower or chargee if applicable.

9. Within 21 working days after being served with this Order, each of the Respondents must swear and serve on the Applicant's solicitors affidavits setting out and verifying the truth, accuracy and completeness of the above information (the "Disclosure Affidavit(s)"); and in the event that no information is available to the particular Respondent in certain of the information categories in respect of which disclosure has been ordered, a description of the reasons for its non-availability.

EXCEPTIONS TO THIS ORDER

10. This Order does not prohibit the Respondents from spending US\$2,500 a week each towards their ordinary living or commercial operations expenses and also a reasonable sum a week on legal advice and representation. But before spending any money the Respondents must tell the Applicant's legal representatives in writing where the money is to come from.
11. (1) The Respondents may agree with the Applicant's legal representatives that this Order should be varied in any respect, but any such agreement must be in writing.

(2) This Order does not prohibit the Company Respondents from dealing with or disposing of any of their assets in the ordinary and proper course of business subject to the provisions of paragraphs 3(iv) to (ix) of this Order.

(3) The Respondents may agree with the Applicant's legal representatives that the above spending limits should be increased or that this Order should be varied in any other respect, but any agreement must be in writing.

(4) This Order shall cease to have effect if the Respondents make provision for security in the approximate sum of US\$1,302,711,942 or by an alternative method agreed upon with the Applicant's legal representatives.

COSTS

12. The costs of this Application are reserved to the judge ~~hearing the Application at the hearing returnable on the date set out in clause 2 above~~ hearing the trial of this matter.

VARIATION OR DISCHARGE OF THIS ORDER

13. Anyone served with, or notified of, this Order may apply to the Court at any time to vary or discharge the order (or so much of it as affects that person/company), but they must first serve all of their Affidavit evidence and Written Submissions in support of an application to vary or discharge this Order upon the Applicant's solicitors not less than three (3) clear days before the return date therefore.

INTERPRETATION OF THIS ORDER

14. A Respondent who is an individual and who is ordered not to do something must not do it himself, or in any other way. He must not do it through others acting on his behalf, or on his instructions, or with his encouragement.
15. A Respondent which is not an individual and which is ordered not to do something must not do itself or by its directors, officers, partners, employees or agents or in any other way.

PARTIES OTHER THAN THE APPLICANT AND THE RESPONDENTS

16. **Effect of this Order:** It is a contempt of Court for any person notified of this Order knowingly to assist in, or permit a breach of, this Order. Any person doing so may be

imprisoned, fined or have their assets seized. In the case of third party companies, their directors may be imprisoned, fined or have their assets seized. If any third party over whom this Court has jurisdiction, and who is notified of the terms of this Order, pays value owed or held by it to any of the Respondents, such third party shall be in violation of the terms hereof. ~~Notwithstanding the forgoing~~ Any such third party obligor or holder of assets is at liberty to ~~must~~ pay any value owed by it to any of the Respondents, into Court herein.

17. The Registrar of the High Court is hereby ordered to open an account at The Bank of Nova Scotia , High Street, Antigua for the purpose of holding any funds owed by third parties to any of the Respondents pending the outcome of these proceedings; and which funds fall to be paid into Court pursuant to this Order.

187. **Set off by banks:** This Order does not prevent any bank from exercising any right of set-off it may have in respect of any facility which it may have to the Respondents before it was notified of this Order.

198. **Withdrawals by the Respondents:** No bank need enquire as to the application or proposed application of any money withdrawn by the Respondents if the withdrawal appears to be permitted by this Order.

1920. **Persons located outside Antigua and Barbuda:** Except as provided below, the terms of this Order do not affect or concern anyone outside the jurisdiction of this Court:

(i) the Respondents or any of their officers or agents appointed by power of attorney; or

(ii) any person who:

(a) is subject to the jurisdiction of this Court;

- (b) has been given written notice of this Order at his residence or place of business within the jurisdiction of this Court and;
 - (c) is able to prevent acts or omissions outside the jurisdiction of this Court which constitute or assist in a breach of the terms of this Order; and
- (iii) any person, only to the extent that his Order is declared enforceable by, or is enforced by, a Court in that country or state.

210. Communications with the Court and with the Applicant's Counsel

- (i) All communications to the Court about this Order should be sent to: High Court Registry, Parliament Drive, Saint John's, Antigua, Tel: 268-462-3929, Fax: 268-462-3929; and to
- (ii) Nicolette M. Doherty, P.O. Box W1161, Island House, Newgate Street, St John's, Antigua, Tel: 268-462-4468/9, Fax: 268-561-1056

DATED the 28th [] day of ~~July~~ August 2011.

BY THE COURT

REGISTRAR

Schedule "A"

NO.	Registration Sec.	Block	Parcel	Proprietor
1	Cassada Gardens & New Winthropes	42 1894 A	1148	SDC
2	Cassada Gardens & New Winthropes	42 1894 A	1149	SDC
3	Cassada Gardens & New Winthropes	42 1894 A	1164	SDC
4	Cassada Gardens & New Winthropes	42 1894 A	1175	SDC
5	Cassada Gardens & New Winthropes	42 1894 A	1176	SDC
6	Cassada Gardens & New Winthropes	42 1894 A	1177	SDC
7	Cassada Gardens & New Winthropes	42 1894 A	1178	SDC
8	Cassada Gardens & New Winthropes	42 1894 A	1179	SDC
9	Cassada Gardens & New Winthropes	42 1894 A	1200	SDC
10	Cassada Gardens & New Winthropes	42 1894 A	1201	SDC
11	Cassada Gardens & New Winthropes	42 1894 A	1202	SDC
12	Cassada Gardens & New Winthropes	42 1894 A	1204	SDC
13	Barnes Hill & Coolidge	41 2294 A	118	SDC
14	Barnes Hill & Coolidge	41 2294 A	100	SDC
15	Barnes Hill & Coolidge	41 2294 A	96	SDC

16	Barnes Hill & Coolidge	41 2294 A	74	SDC
17	Barnes Hill & Coolidge	41 2294 A	72	SDC
18	Barnes Hill & Coolidge	41 2294 A	71	SDC
19	Barnes Hill & Coolidge	41 2294 A	70	SDC
20	Barnes Hill & Coolidge	41 2294 A	69	SDC
21	Barnes Hill & Coolidge	41 2294 A	57	SDC
22	Barnes Hill & Coolidge	41 2294 A	45	SDC
23	Barnes Hill & Coolidge	41 2294 A	52	SDC
24	Barnes Hill & Coolidge	41 2294 A	54	SDC
25	Barnes Hill & Coolidge	41 2294 A	56	SDC
26	Barnes Hill & Coolidge	41 2195B	307	SDC
27	Barnes Hill & Coolidge	41 2195 B	287	SDC
28	Barnes Hill & Coolidge	41 2094 A	486	SDC
29	Barnes Hill & Coolidge	41 2094 A	487	SDC

Schedule B

NO.	Registration Sec.	Block	Parcel	Proprietor
1	Barnes Hill & Coolidge	41 2294 A	113	Maiden Island Holdings Ltd.
2	Crabbs Peninsula & neighbouring Islands	21 2692 A	8	Maiden Island Holdings Ltd.
3	Crabbs Peninsula & neighbouring Islands	21 2692 A	6	Maiden Island Holdings Ltd.
4	Barnes Hill & Coolidge	41 2595 A	2	Maiden Island Holdings Ltd.
5	Crabbs Peninsula & Neighbouring Islands	21 2692 A	5	Maiden Island Holdings Ltd.

Schedule C

NO.	Registration Sec.	Block	Parcel	Proprietor
1	Gilberts	22 2890 A	11	Gilberts Resort Dev. Holdings Ltd.

Schedule D

NO.	Registration Sec.	Block	Parcel	Proprietor
1	Barnes Hill & Coolidge	41 2195 B	286	Stanford Hotel Proprieties Ltd.

Schedule "E"

Undertakings given to the Court by the Applicant

1. If the Court later finds that this Order has caused loss to any of the Respondents, and decides that any of the Respondents should be compensated for that loss, the Applicant will comply with any Order the Court may make.
2. The Applicant will serve on the Respondents as soon as practicable:
 - i. copies of the affidavits and exhibits containing any evidence relied upon by the Applicant, and any other documents provided to the court on the making of this application;
 - ii. a note of the hearing; and
 - iii. an application notice for the continuation of the order.
3. Anyone notified of this order will be given a copy of it by the Applicant's legal representatives.
4. The Applicant will pay the reasonable costs of anyone other than the Respondent which have been incurred as a result of this Order including the costs of ascertaining whether that person holds any of the Respondent's assets and if the Court later finds that this Order has caused such person loss and decides that such person should be compensated for that loss; the Applicant will comply with any Order the Court may make.
5. If for any reason this Order ceases to have effect, the Applicant will forthwith take all reasonable steps to inform, in writing, any person or company to whom he has given notice of this Order, or who he has reasonable grounds for supposing may act upon this Order, that it has ceased to have effect.
6. The Applicant will not without the permission of the court seek to enforce this order in any country outside Antigua and Barbuda or seek an order of a similar nature including orders conferring a charge or other security against any of the Respondents or their assets.