



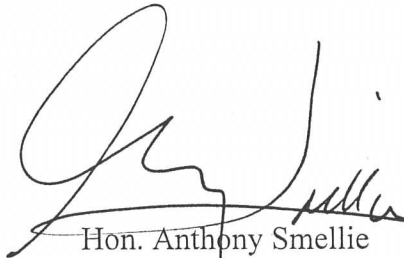
the earlier hearing when the raising of this proposal appeared not to have been necessary. It does not strike me as a proposal made in good faith.

11. I am satisfied that the plaintiff can do better. He can afford to pay a significant lump sum immediately from his investment account.
12. The order I make is that he shall pay, within 21 days, the amount of \$400,000 as against the amount of \$530,000 due to the defendant in respect of her adjudged interest in the House at 27 Viers Close.
13. The balance of CI\$130,000 in respect of that amount, will be deducted from the plaintiff's proceeds of sale of Midland Acres; whenever it is sold. That property is to be immediately listed for sale at the valuation price, with carriage of the sale to be taken by Ogiers in conjunction with Brooks and Brooks.
14. The defendant is entitled to interest at the standard judgment rate since the date of the Order upon the judgment debt of \$530,000.
15. She is also entitled to her costs of having to restore the matter now for enforcement of the Order – such costs to be taxed, if not agreed.
16. Both of the interest as directed and costs as taxed (if not agreed) are to be paid forthwith.
17. Having regard to the history of unco-operativeness as between the parties (the blame for which need not be ascribed to justify the order I am about to make) and the unduly protracted nature of these proceedings, I further order that a Penal Notice be attached to this Order by way of sanction against non-compliance
18. As to the fourth issue – that relating to the collection of and alleged damage to the defendant's personal belongings at 27 Viers Close – I exhort the plaintiff to co-

operate by giving the defendant due access as directed by the Order and so as to allow her to recover her personal belongings. He is warned that if he fails to do so and this matter must return for resolution by the Court, he will also be condemned in the costs of any such further proceedings.

19. After she will have collected her belongings – including valuable motor scooters which have been awarded to her – if she can prove that there has been deliberate damage inflicted by the plaintiff, she may restore the matter for an award of compensation. She will, however, do so at the risk of paying the costs, should she not succeed.

20. In my absence, the formal order arising from this ruling is to be extracted and signed by the Clerk of Court.

  
Hon. Anthony Smellie  
Chief Justice



May 25 2009