

**THE EASTERN CARIBBEAN SUPREME COURT**

**IN THE HIGH COURT OF JUSTICE**

**SAINT LUCIA  
COMMERCIAL DIVISION**

**CLAIM NO. SLUHCM2018/0088**

**IN THE MATTER OF A PETITION  
FOR THE WINDING UP OF  
HARLEQUIN BOUTIQUE HOTEL  
LIMITED.**

**AND IN THE MATTER OF  
SECTION 385(a) AND SECTION  
387 OF THE COMPANIES ACT,  
CAP 13.01 OF THE REVISED  
EDITION OF THE LAWS OF SAINT  
LUCIA**

**BETWEEN:**

**HARLEQUIN BOUTIQUE HOTEL LIMITED**

**Petitioner**

**BEFORE: Her Ladyship, the Honourable Justice Cadie St. Rose-Albertini**

**APPEARANCES:** Mr. Garth Patterson QC with Mr. Mark Maragh of Counsel  
for the Petitioner  
Ms. Renee St. Rose of Counsel for the Financial Services  
Compensation Scheme Limited as an interested creditor  
Mr. Leslie Mondesir of Counsel for Mr. Christopher  
McNamara as an interested creditor

**DATED: This 20<sup>th</sup> day of November 2018**

**ENTERED: This            day of            2018**

**ORDER**

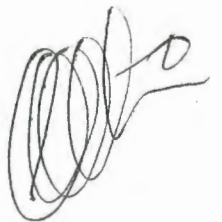
UPON THE Petition filed herein by the petitioner on 05<sup>th</sup> October, 2018 coming  
on for first hearing

AND UPON READING the Application Without Notice for the Appointment of Provisional Liquidator, Affidavit in Support and Exhibits filed herein by the petitioner on 20<sup>th</sup> November, 2018

AND UPON HEARING COUNSEL for the petitioner and Counsels for the interested creditors

**IT IS HEREBY ORDERED THAT:**

1. Pursuant to section 400(1) of the Companies Act Cap 13.01 of the Revised Edition of the Laws of Saint Lucia, **Mrs. Lisa Ann Taylor** and **Mr. Craig Waterman** of KPMG Barbados are appointed Joint Provisional Liquidators of Harlequin Boutique Hotel Limited ("the Company") effective immediately until the determination of the winding up Petition filed on 05 October 2018 or further Order of the Court.
2. The powers of the Joint Provisional Liquidators shall be limited and restricted to the following acts, which may be done by each of them individually:
  - (a) To locate, protect, secure, take possession of, collect and get in all of the property or assets of the Company to which the Company is or appears to be entitled, such assets and property not to be distributed or parted with by the Joint Provisional Liquidators until further order except pursuant to the functions contained in this order.
  - (b) To locate, protect, secure, take possession of, collect and get in the books, papers and records of the Company including the accounting and statutory records of the Company;
  - (c) To investigate the affairs of the Company;
  - (d) To carry on the business of the Company;
  - (e) To do all such things as may be necessary or expedient for the protection of the Company's property or assets;
  - (f) To employ such professional advisors as may be necessary to assist in the performance of their duties;

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- (g) To appoint an agent to do any business which they are unable to do themselves or which can more conveniently be done by an agent;
- (h) To retain and operate the existing bank accounts of the Company and to open and operate new accounts and to pay any necessary expenses incurred on behalf of the Company in carrying out their powers and duties from such accounts;
- (i) To negotiate, enter into and or terminate any contracts or transactions relating to the Company as may be necessary;
- (j) To do all acts and execute, in the name and on behalf of the company, all deeds, receipts and other documents and for that purpose to use, when necessary, the company's seal;
- (k) To sell, distribute or part with or otherwise dispose of the assets of the Company, with the approval of the Court;
- (l) To make any arrangement or compromise on behalf of the Company with the approval of the Court;
- (m) To retain, dismiss, or otherwise deal with employees of the Company as may be necessary;
- (n) To maintain insurances;
- (o) Other than as provided for at paragraph (k) above, to deal with real property of the Company of all kinds including leases, as may be necessary;
- (p) Without prejudice to the generality of the foregoing, to bring or defend or proceed with any action or other legal proceedings on behalf of the Company and in its name or his name as appropriate;
- (q) To do all such things necessary or incidental to the carrying out of the functions and duties as set out in this order.

3. The Joint Provisional Liquidators are granted borrowing powers, to raise funds from third parties including the Financial Services Compensation Scheme up to a limit of US\$200,000 for the purpose of discharging their functions and obligations as Joint Provisional Liquidators, which said sum shall be secured as a first charge against the assets of the Company and shall be repaid on such terms and conditions as may be agreed upon between the Joint Provisional Liquidators and the third party and repaid in

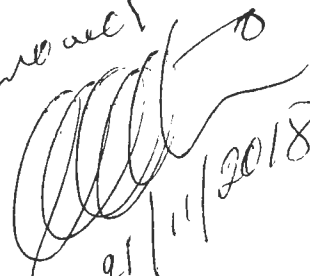


priority to all other claims or debts of the Company, including claims of secured creditors and debts of the winding up, not limited to the expenses and costs of the winding up and all debts provided for by s.465 of the Companies Act.

4. The Joint Provisional Liquidators may apply to the Court for directions in relation to any matter arising in the provisional liquidation.
5. The Joint Provisional Liquidators shall file a report with the Court on or before **December 28, 2018**
6. The costs for this Application in the sum of \$2,500.00, and all fees, costs, charges, expenses of the provisional liquidation incurred by the Joint Provisional Liquidators during their appointment, including the remuneration of the Joint Provisional Liquidators, shall be payable out of the Company's assets in priority to all other claims, whether secured or otherwise.
7. This Order shall be served on (i) the Company (ii) the interested creditors and (iii) lodged with the Registrar of Companies.

**VARIATION OR DISCHARGE OF THIS ORDER:**

8. Any party affected by this Order may apply to this Court to vary or discharge this Order by filing an application pursuant to Rule 11.16 of the Civil Procedure Rules 2000 and must give 72 hours' notice to the Applicant's Legal Practitioners.
9. An application to vary or discharge this Order must be filed no later than 14 days after the date on which the order was served on the applying party.
10. The petitioner will draw, file and serve this order.

*Approved*  
  
9/11/2018

**BY THE COURT**

**REGISTRAR**

Presented for filing by: Amicus Law Chambers, in association with Mr. Garth Patterson, Q.C., Legal Practitioners for the Applicant, whose address for service is No. 5 Mongiraud Street, Castries, Saint Lucia. Tel: 758-451-6777; Fax: 758-453-3777 E-mail: [thomas@amicuslawfirm.com](mailto:thomas@amicuslawfirm.com)

The Court Office is at Jeremie Street, Castries, Tel. No.758 468 7500, e-mail: [stluhco@eccourts.org](mailto:stluhco@eccourts.org) or [stlucommercialdivision@eccourts.org](mailto:stlucommercialdivision@eccourts.org) The Court Office is open between 9:00 a.m. and 2:00 p.m. Monday to Thursday and between 9:00 a.m. and 3:00 p.m. on Friday except public holidays.

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