

**EASTERN CARIBBEAN SUPREME COURT
SAINT CHRISTOPHER AND NEVIS
NEVIS CIRCUIT**

IN THE HIGH COURT OF JUSTICE

APPLICATION NO. NEVHCV 2022/0052

IN THE MATTER OF SECTION 75 OF THE TITLE BY REGISTRATION
ACT, CAP. 10.19 OF THE LAWS OF SAINT CHRISTOPHER AND NEVIS

AND

IN THE MATTER OF A CERTIFICATE OF TITLE DATED JANUARY 9,
2012 REGISTERED IN BOOK 46 FOLIO 123 OF THE REGISTER OF
TITLES FOR THE ISLAND OF NEVIS

BETWEEN:

**FIRSTCARIBBEAN INTERNATIONAL
BANK (BARBADOS) LIMITED**

Applicant

and

**[1] GREGORY GUMBS
[2] MELISA BENJAMIN**

Respondent

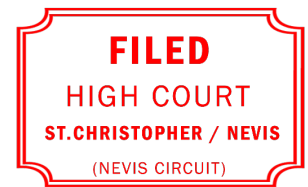
NOTICE OF HEARING

TAKE NOTICE THAT the Applicant, FirstCaribbean International Bank (Barbados) Limited, has filed a Notice of Application to Settle Articles of Sale, et al; 1st Affidavit of Arnetta Trotman; 1st Affidavit of Eavin L. Parry; Certificate of Exhibit; Draft Articles of Sale and Draft Order on July 18, 2023. A hearing has been scheduled in the captioned matter at the High Court situated at the Theodore L. Hobson K. C. Court Building, Main Street, Charlestown, Nevis on **October 30, 2023 at 9:00 a.m.** The First and Second Respondents must attend the said hearing otherwise the matter can proceed in their absence. The Hearing may be held by Zoom.

TAKE FURTHER NOTICE the Applicant has filed the attached proceedings on the Eastern Caribbean Supreme Court Electronic Litigation Portal. The authorization code for the **First Respondent** to access these proceedings is as follows: **zgJKba** The authorization code for the **Second Respondent** to access these proceedings is as follows: **afCcPN**. The proceedings can only be accessed through the Electronic Litigation Portal. If you do not have an attorney-at-law and need assistance in accessing the Electronic Litigation Portal please contact the Service Bureau at the High Court Office.

Case Number :NEVHCV2022/0052

**EASTERN CARIBBEAN SUPREME COURT
IN THE HIGH COURT OF JUSTICE,
SAINT CHRISTOPHER AND NEVIS
NEVIS CIRCUIT**



Submitted Date:18/07/2023 12:53

In The Matter of Section 75 of The File By Registration
Act, Cap. 10.19 of The Laws Of Saint Christopher And
Nevis

Filed Date:18/07/2023 13:02

Fees Paid:42.00

And

In the Matter of Certificate of Title dated March 14, 2008
Registered in Book 46 Folio 123 of the Register of Titles
for the Island of Nevis

**BETWEEN: FIRSTCARIBBEAN INTERNATIONAL
BANK (BARBADOS) LIMITED**

-Applicant

AND

- 1. GREGORY GUMBS**
- 2. MELISSA BENJAMIN**

-Respondents

NOTICE OF APPLICATION TO SETTLE ARTICLES OF SALE, ET AL

The Applicant, FirstCaribbean International Bank (Barbados) Limited, a body duly incorporated under the Companies Act of Barbados, and duly registered under the laws of Saint Christopher and Nevis and having a place of business at Bank Street, Basseterre in the Island of Saint Christopher;

APPLIES TO THE COURT pursuant to Section 75 of the Title by Registration Act for Orders:

1. To settle the Articles of Sale of ALL THAT lot piece or parcel of land situate at Farms Estate, situate in the Parish of St John Fig Tree in the Island of Nevis, containing by admeasurement 21,780 square feet of land, described in a Certificate of Title dated March 14, 2008 registered in Book 46 Folio 123 of the Register of Titles for the Island of Nevis (hereinafter "the Property").
2. That the terms of sale of the Property be the Articles of Sale contained in Form 17 in the Second Schedule to the Title by Registration Act, Cap. 10.19 of the Revised Laws of Saint Christopher and Nevis.
3. To set an upset price for the Property.
4. That the date of sale of the Property shall be fixed by the Registrar of the High Court.

5. To adjust the announcements of sale of the Property and the mode of publication thereof.

A draft of the Order that the Applicant seeks and the Draft Articles of Sale to be settled are attached.

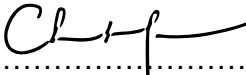
The grounds on which the Applicant is seeking the aforesaid orders are as follows:

1. The Applicant holds a mortgage duly noted with effect from November 30, 2011 on the Certificate of Title for the Property.
2. On October 30, 2019, the Applicant gave the First-named Respondent Notice to Pay Off its mortgage debt to the Applicant pursuant to section 71 of the Title by Registration Act.
3. On October 30, 2019 the Applicant gave the Second-named Respondent Notice to Pay Off its mortgage debt to the Applicant pursuant to section 71 of the Title by Registration Act.
4. On January 12, 2020, the Senior Bailiff of the Nevis Circuit of this Honourable Court, C. John Arthurton II, seized the Property for non-payment of the mortgage debt referred to in the said Notice to Pay Off pursuant to section 73 of the Title by Registration Act.
5. Thirty days have passed since the said date of seizure and no new arrangements for settlement of the mortgage debt have been made.

Affidavits of the following persons are filed in support of this Application:

1. Affidavit of C. John Arthurton II
2. Affidavit of Leris Johnson
3. Affidavit of Arnetta Trotman
4. Affidavit of Eavin L. Parry

Dated this **18th** day of **July** 2023


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Chanté W. M. Francis, Associate
Kelsick, Wilkin and Ferdinand
Attorneys-at-Law for Applicant

**IF THE RESPONDENTS DO NOT ATTEND THIS HEARING AN ORDER MAY BE
MADE IN THEIR ABSENCE**

As ordered by this Honourable Court on June 1, 2022, the Applicant is permitted to serve the Respondents by the following:

- a) causing the said documents to be posted up in a conspicuous place on the encumbered lands for which the Respondents are registered proprietors and for which the Applicant is mortgagee;
- b) causing the said documents to be published in a newspaper circulating in the Federation of St Kitts and Nevis;
- c) causing the said documents to be sent by email to the Second Respondent, Melisa Benjamin at melisa.benjamin@gmail.com; and
- d) causing the said documents to be published on a social media page frequented by persons residing in St Kitts and Nevis and its diaspora having no less than 10,000 followers, including by not limited to SKN Times, Freedom FM, WINN Media SKN or ZIZ Broadcasting Corporation

The Court Office/Registry of the High Court is situated at the Theodore L. Hobson K.C. Court Building, Main Street, Charlestown, Nevis. Its email address is nevreg@niagov.com and its telephone numbers are 469-0504 and 469-5521. The Registry is open between 8:30 a.m. and 3:30 p.m. Mondays to Fridays, except Public Holidays.