



IN THE EASTERN CARIBBEAN SUPREME COURT
IN THE HIGH COURT OF JUSTICE
VIRGIN ISLANDS
COMMERCIAL DIVISION

Submitted Date:08/07/2019 12:38

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CLAIM NO: BVIHC (COM) 86 OF 2019

Fees Paid:72.59

IN THE MATTER OF THE INSOLVENCY ACT, 2003 (AS AMENDED)

AND IN THE MATTER OF [REDACTED] AND OTHERS

BETWEEN:

CHARLOTTE EMMA WARD-CAULFIELD

Applicant

- and -

- (1) KENNETH KRYS
- (2) [REDACTED]
- (3) A [REDACTED]
- (4) [REDACTED]
- (5) [REDACTED]

Respondents

ORDER

Before: The Honourable Mr. Justice Adderley [Ag.]
Dated: 08 July 2019
Entered: 8 July 2019

UPON THE ORIGINATING APPLICATION filed by the Applicant on 21 June 2019 (“the Application”), seeking to be substituted, removed, released and/or replaced as a liquidator as the case may be, pursuant to sections 186 and/or 187 and 235 of the Insolvency Act, 2003 (as amended) and/or the inherent jurisdiction of the Court, coming on for hearing

AND UPON THE COURT NOTING the letters from the respondents which confirm that they have no objection to the application in so far as it relates to the companies over which they have been appointed as joint liquidator, and that they do not require the application to be served upon them and are content for this court to make the orders sought or such further orders as it sees fit either on paper or without their representation at any hearing

AND UPON THE COURT FURTHER NOTING the notification given to the BVI Financial Services Commission in respect of the Application and the consents to act provided by Mr Greig William Alexander Mitchell and [REDACTED]

AND UPON HEARING Matthew Brown of Conyers Dill & Pearman for the Applicant and no appearances from the Respondents

AND UPON THE COURT READING the Originating Application, filed on 21 June 2019, the Affidavit of Greig William Alexander Mitchell, filed on 21 June 2019, together with Exhibit GWAM-1, the Affidavit of Charlotte Emma Ward-Caulfield, filed on 21 June 2019, together with Exhibit CEWC-1 and the Applicant's skeleton argument, filed on 27 June 2019

IT IS HEREBY ORDERED THAT:

1. The Court file in these proceedings be sealed until further order.
2. In relation to each of the companies in liquidation listed in Schedule 1 of the Appendix, Mr Greig William Alexander Mitchell ("**Mr Mitchell**") shall be appointed as Joint Liquidator thereof in the place of the Applicant.
3. In relation to each of the companies in liquidation listed in Schedule 2 of the Appendix, Mr Mitchell shall be appointed as Liquidator thereof in the place of the Applicant.
4. In relation to the company named in Schedule 3 of the Appendix, Mr Mitchell and Mr [REDACTED] shall be appointed as Joint Liquidators thereof in place of the Applicant.
5. In relation to each of the companies named in Schedules 1, 2 and 3, the Applicant shall be released from her obligations and liabilities in her capacity as liquidator.
6. The Applicant shall as soon as practicable:
 - a. In respect of each of her appointments which were made by the Court, file a copy of this Order (redacted, as appropriate, to remove references to other entity names) on the Court file in the action in which she was appointed;
 - b. in respect of each of her appointments which were not made by the Court, deliver a copy of this Order (redacted, as appropriate, to remove references to other entity names) to the person or persons who appointed her; and
 - c. Advertise the terms of this Order in the BVI Beacon of the Territory of the Virgin Islands and in any other newspapers which appear to her to be appropriate. The

advertisement in the BVI Beacon shall provide that any persons with standing may apply to the Court (so long as good reason is shown for doing so) within 7 days and at their own expense and on notice to the Applicant for this order to be reconsidered.

7. The Applicant's costs of the Application shall be paid out of the companies' assets with the priority prescribed by Rule 199 of the Insolvency Rules 2005.

BY THE COURT


.....
or REGISTRAR

SCHEDULE 1

i.



ii.

iii.

iv.

v. **Fairfield Sentry Limited**

vi. **Fairfield Sigma Limited**

vii. **Fairfield Lambda Limited**

viii.



SCHEDULE 2

i.



ii.

iii.

SCHEDULE 3

i.



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CLAIM NO 86 of 2019

**IN THE MATTER OF THE INSOLVENCY ACT, 2003
(AS AMENDED)**

**AND IN THE MATTER OF [REDACTED]
LIMITED AND OTHERS**

Between:

**CHARLOTTE EMMA WARD-CAULFIELD
Applicant**

-v-

**(1) KENNETH KRYS
(2) [REDACTED]
(3) [REDACTED]
(4) [REDACTED]
(5) [REDACTED]**

Respondents

ORDER

CONYERS

**Legal Practitioners for the
Applicant**

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