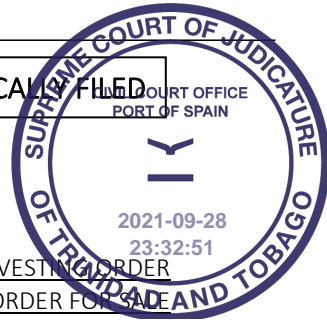


ELECTRONICALLY FILED



NATURE OF CASE: LAND: SPECIFIC PERFORMANCE - VESTING ORDER
ORDER FOR SALE
ESTATE -WILLS, EXECUTORS AND ADMINISTRATOR

FILING/ADVOCATE ATTORNEY:

Erica Cummings
Attorney-at-Law
Bar No. CJE 2001039
#32 Sackville Street
Port of Spain
Tel. No. 787-1878
Fax. No: 624-8160

Email: ericacummings19@yahoo.com

THE REPUBLIC OF TRINIDAD AND TOBAGO:

IN THE HIGH COURT OF JUSTICE

Claim No. CV2021-

IN THE MATTER OF THE REAL PROPERTY ACT CHAP. 56:02
AND IN PARTICULAR SECTION 49 AND SECTION 122 THEREOF

AND

IN THE MATTER OF THE ADMINISTRATION OF ESTATES ACT CHAP. 9:01

AND

IN THE MATTER OF INHERENT JURISDICTION OF THE COURT UNDER THE SUPREME COURT OF
JUDICATURE ACT CHAP. 4:01

Between

MARK RAMKERRYSINGH AND NICOLE BEAUBRUN-TOBY
in their capacity as Executors of the Estate of
Dame Hilda Bynoe (deceased)

1ST CLAIMANTS

LENNARD BYNOE

2ND CLAIMANT

And

THE ADMINISTRATOR GENERAL

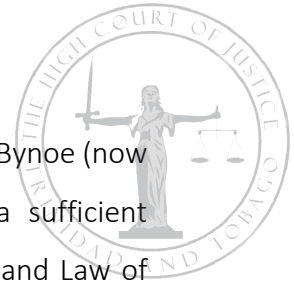
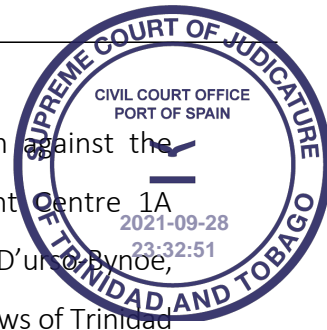
DEFENDANT

(Statutory Representative of the Estate of Vernella D'urso-Bynoe, deceased, pursuant
to section 10(4) of the Administration of Estates Act Chap. 9:01 Laws of Trinidad and Tobago)

FIXED DATE CLAIM FORM

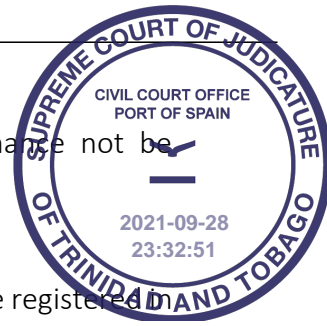
The Claimants, **MARK RAMKERRYSINGH**, Attorney At Law of #48-50 Sackville Street, Port of Spain
and **NICOLE BEAUBRUN-TOBY** Attorney at Law of #74 Dundonald Street, Port of Spain in their

capacity as the Executors of the estate of Dame Hilda Bynoe (deceased) claim against the Defendant THE ADMINISTRATOR GENERAL of Tower C International Waterfront Centre 1A Wrightson Road, Port of Spain (the Statutory Representative of the Estate of Vernella D'urso Bynoe, deceased, pursuant to **Section 10(4)** of the **Administration of Estates Act** Chap. 9:01 Laws of Trinidad and Tobago) for:-

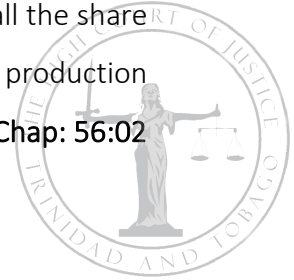


1. A Declaration that the receipt dated 6th March, 1994 made by Vernella D'urso-Bynoe (now deceased) in favour of Dame Hilda Bynoe (now deceased) constitutes a sufficient memorandum pursuant to the requirements section 4 of the Conveyancing and Law of Property Act Chap. 56:01 Laws of Trinidad and Tobago and is a valid and effectual agreement for sale.
2. A declaration that by virtue of the said agreement for sale Dame Hilda Bynoe (deceased) was beneficially entitled to all the beneficial share and interest of Vernella D'urso-Bynoe (deceased) in **ALL and SINGULAR** that piece or parcel of land situate in the ward of Diego Martin in the island of Trinidad Comprising **FOUR ACRES ONE ROOD AND TEN POINT FIVE PERCHES (4A 1R 10.5P)** be the same more or less delineated and coloured pink in the plan registered in Volume 1876 folio 43 being the remaining portion of the lands described in the Certificate of Title in Volume 1740 Folio 211 and bounded on the **North** by a road reserve 25 links wide and by lands now or formerly J.I. Senior on the **South** by the said road reserve 25 links wide and by la Puerta Avenue on the **East** by the said road reserve 25 links wide and on the **West** by the said road reserve 25 links wide and by La Puerta Avenue and which said piece or parcel of land is more particularly described in the **Certificate of Title registered in Volume 3485 Folio 15** known and assessed as **Lp# 66 La Puerta Avenue, Diego Martin** (hereinafter referred to as the subject parcel)
3. An order for specific performance compelling the Defendant to perform the obligations of the said Vernella D'urso Bynoe (deceased) by completing the sale and vesting all that beneficial Share and interest of the said Vernella D'urso Bynoe in the first Claimants by virtue of their capacity as Legal Personal Representatives of the Estate of Dame Hilda

Bynoe (deceased) and should the equitable remedy of Specific Performance not be available, in the alternative:



4. An Order directing the Registrar General to endorse on the Certificate of Title registered in **Volume 3485 Folio 15** the First named Claimants as registered proprietors of all the share and interest of the said Vernella D'urso-Bynoe in the subject parcel without the production of an instrument of transfer pursuant to **Section 122 of the Real Property Act Chap: 56:02** laws of Trinidad and Tobago within two months from the date of the Order.



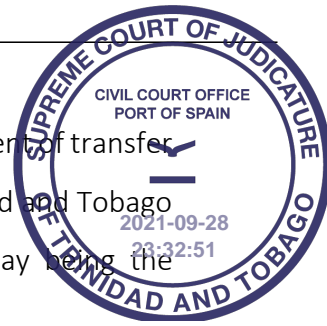
5. An order directing the Registrar General to endorse on the Certificate of Title registered in Volume 3485 Folio 15 the Second Claimant (*being the son of Roland Lovelace Bynoe and a Beneficiary of the estate*) as the registered proprietor of all his beneficial share and interest in the subject parcel, without the production of an instrument of transfer pursuant to **section 122 of the Real Property Act Chap: 56:02** laws of Trinidad and Tobago within two months from the date of this Order.

6. A declaration that pursuant to **Section 109(1) of the Real Property Act** Chap. 56:01 Laws of Trinidad and Tobago the Defendant holds a beneficial share and interest in the subject parcel on trust for Annette Keizer (deceased), being the daughter of Roland Lovelace Bynoe and a beneficiary of his estate.

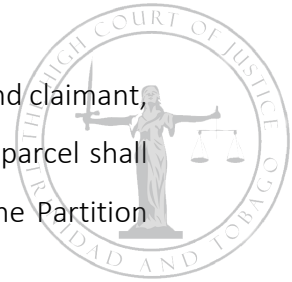
7. An order directing the Registrar General to endorse on the Certificate of Title registered in Volume 3485 Folio 15 the Defendant (in their capacity as the Statutory Representative of Annette Keizer, deceased) as the registered proprietor of the beneficial share and interest of Annette Keizer in the subject parcel without the production of an instrument of transfer pursuant to **section 122 of the Real Property Act Chap: 56:02** laws of Trinidad and Tobago within two months from the date of this Order.

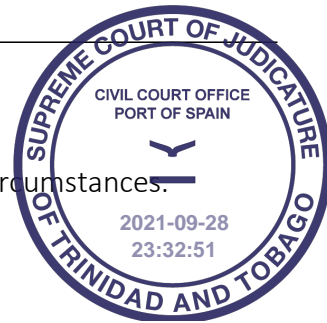
8. An order directing the Registrar General to endorse on the Certificate of Title registered in Volume 3485 Folio 15 **GEMMA FINDLAY** as the registered proprietor of all her beneficial

share and interest in the subject parcel without the production of an instrument of transfer pursuant to **section 122 of the Real Property Act Chap: 56:02** laws of Trinidad and Tobago within two months from the date of this Order. The said Gemma Findlay being the daughter of Roland Lovelace Bynoe and a beneficiary of his estate.



9. An Order that the undivided share and interest of the First claimants, the Second claimant, the Defendant (trustee of Annette Keizer) and Gemma Findlay in the subject parcel shall be sold by private treaty to **A.R. BYNOE LIMITED** pursuant to section 3 of the Partition Ordinance Chapter 27 No. 14 Laws of Trinidad and Tobago.
10. An Order that the Defendant, and Gemma Findlay be served with notice in writing when the Memorandum of Transfer prepared pursuant to the Order for Sale in relation to the subject parcel is ready for execution/signature.
11. An order that upon the expiration of one month from the date that the Notice mentioned at paragraph 10 was served, should the Defendant and/or Gemma Findlay be unwilling or unable to execute the said Memorandum of Transfer in favour of **A.R. BYNOE LIMITED**, the Registrar of the Supreme Court be authorized to execute same on their behalf in order to give effect to the Order for sale and the proceeds of such sale shall be paid into court.
12. An order directing the Registrar General to endorse on the Certificate of Title registered in **Volume 3485 Folio 15** the survey plan of 11 lots, dated 28th April, 2013 and prepared by Hector Sankar Licensed Land Surveyor, being the **remaining portion of the subject lands** such survey having been approved by the Director of Surveys on the 8th May, 2014.
13. An order directing the Registrar General to dispense with production of the Duplicate Certificate of Title registered in **Volume 3485 Folio 15** for the purpose of compliance with this order.
14. That there be no order as to Costs
15. Liberty to apply





16. Any other Order of the Honourable Court may consider appropriate in the circumstances.

NOTICE TO THE DEFENDANT:-

The First Hearing of this Claim will take place virtually on the _____ day of _____, 2021, at _____ a.m./p.m. at the virtual courtroom facilitated by _____ You are asked to make contact at the aforementioned email address for the appropriate link to join the virtual hearing. Do ensure that you have stable internet connection and are located in a relatively quiet place for the duration of the virtual hearing.



If you do not attend that hearing, judgment may be entered against you in accordance with the claim.

If you do attend the judge may-

- a) Deal with the Claim; or
- b) Give directions for the preparation of the case for a further hearing.

A statement of case or an affidavit giving full details of the Claimants' claim should be served on you with this Claim Form. If not and there is no order permitting the Claimant not to serve the Statement of Case or affidavit, you should contact the Court Office immediately.

You should complete the form of appearance served on you with this Claim Form and deliver or send it to the Court Office (address below) so that they receive it within EIGHT (8) days of service of this Claim Form on you.

The form of appearance may be completed by you or an attorney acting for you.

You should consider obtaining legal advice with regard to this claim. See the notes on the back of this form or on the next page.

This claim form has no validity if it is not served within four (4) months of the date below unless it is accompanied by an order extending that time.

CERTIFICATE OF TRUTH

We the Claimants, MARK RAMKERRYSINGH and NICOLE BEAUBRUN-TOBY in our capacity as the Executors of the estate of Dame Hilda Bynoe (deceased), believe that the contents of this Fixed Date Claim Form are true and that we are entitled to the remedy claimed.


.....

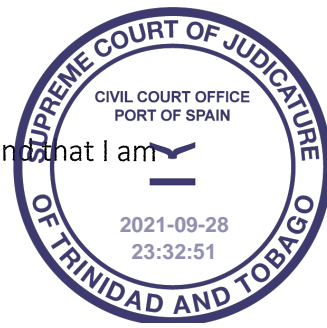
MARK RAMKERRYSINGH
Executors of the estate of Dame Hilda Bynoe (deceased)


.....

NICOLE BEAUBRUN-TOBY CLAIMANTS

Dated this 20th day of SEPTEMBER, 2021

I LENNARD BYNOE believe that the contents of this Fixed Date Claim Form are true and that I am entitled to the remedy claimed.



[Handwritten signature]
.....

LENNARD BYNOE
Dated this 20th day of SEPTEMBER, 2021



The Claimants' address for service is #32 Sackville Street, Port of Spain

Signed *[Handwritten signature]*
.....
ERICA CUMMINGS
ATTORNEY AT LAW FOR THE CLAIMANTS

The Court Office is at the Hall of Justice Knox Street, Port of Spain telephone number 223-1060, The office is opened between 8:00 a.m. and 4:00 p.m. Mondays to Fridays except on public holidays and court holidays.

THE COURT OFFICE HALL OF JUSTICE
KNOX STREET
PORT OF SPAIN

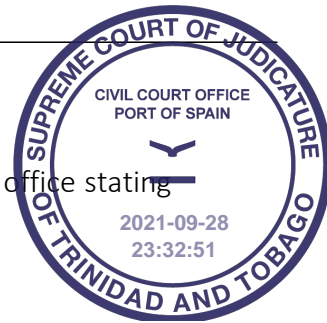
TO: THE ADMINISTRATOR GENERAL
Tower C International Waterfront Centre
1A Wrightson Road, Port of Spain

AND TO: THE REGISTRAR GENERAL
MINISTRY OF THE ATTORNEY GENERAL AND LEGAL AFFAIRS
AGLA TOWERS
CORNER RICHMOND AND LONDON STREET
PORT OF SPAIN

NOTES FOR THE DEFENDANT (FIXED DATE CLAIM)

The Claimant is seeking an order from the court as set out in the claim form overleaf on the basis or evidence set out in the statement of case or affidavit which was served with it. The Claimant will not be entitled to enter judgment against you without a hearing.

You may:



A. Admit the Claim

If so, you should complete and return the form of appearance to the court office stating this. You may attend the first hearing if you wish to do so.

B. Dispute the Claim

If so, you should complete and return the form of appearance as under A. you should also file at the court office and serve on the Claimant's attorney-at-law (or the Claimant if he has no attorney-at-law):

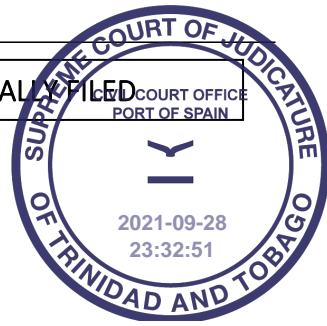
- (a) A defence if the claim form was accompanied by the Claimant's statement of case; OR
- (b) An affidavit in answer if the claim form is accompanied by an affidavit sworn by or on behalf of the Claimant.

Your statement of case or affidavit must set out briefly ALL the facts on which you will rely to dispute the claim made against you.

C. Make a claim against the Claimant

If so, you must complete the form of appearance as under A. You must file a statement of case (a counterclaim) setting out full details of what you claim against the Claimant and the facts on which you will rely. The statement of case should also set out ALL the facts on which you rely in disputing any part of the Claimant's claim against you.

You should also attend the first hearing. If you do not the Judge may deal with the claim in your absence.



FORM 3: APPEARANCE TO CLAIM FORM

NATURE OF CASE: LAND: SPECIFIC PERFORMANCE - VESTING ORDER
ESTATE -WILLS, EXECUTORS AND ADMINISTRATOR

FILING/ADVOCATE ATTORNEY:

Erica Cummings
Attorney-at-Law
Bar No. CUE 2001039
#32 Sackville Street
Port of Spain
Tel. No. 787-1878
Fax. No: 624-8160

Email: ericacummings19@yahoo.com

THE REPUBLIC OF TRINIDAD AND TOBAGO:

IN THE HIGH COURT OF JUSTICE

Claim No. CV2021-

IN THE MATTER OF THE REAL PROPERTY ACT CHAP. 56:02
AND IN PARTICULAR SECTION 49 AND SECTION 122 THEREOF
AND

IN THE MATTER OF THE ADMINISTRATION OF ESTATES ACT CHAP. 9:01
AND

IN THE MATTER OF INHERENT JURISDICTION OF THE COURT UNDER THE SUPREME COURT OF
JUDICATURE ACT CHAP. 4:01

Between

MARK RAMKERRYSINGH AND NICOLE BEAUBRUN-TOBY
in their capacity as Executors of the Estate of
Dame Hilda Bynoe (deceased)

1ST CLAIMANTS

LEONARD BYNOE

2ND CLAIMANT

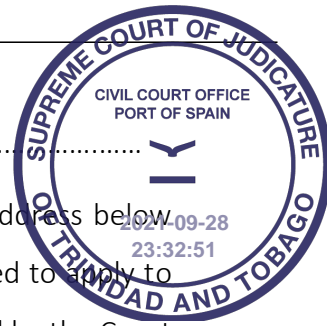
And

THE ADMINISTRATOR GENERAL

DEFENDANT

(Statutory Representative of the Estate of Vernella D'urso-Bynoe, deceased, pursuant
to section 10(4) of the Administration of Estates Act Chap. 9:01 Laws of Trinidad and Tobago)

APPEARANCE TO FIXED DATE CLAIM



Please enter appearance for.....

WARNING: If this form is not fully completed and returned to the court at the address below within EIGHT days of service of the Claim Form on you, the Claimant will be entitled to apply to have judgment entered against you. If he does so you will have no right to be heard by the Court except as to costs of the method of paying any judgment unless you apply to set judgment aside.

1. Have you received the Claim Form with the above Claim Number?

YES / NO

2. If so when?

___ / ___ /2021

3. Did you receive the Claimant's Statement of Case or affidavit in support?

YES / NO

4. If so, on what date did you receive them?

___ / ___ /2021

5. Are your names properly stated on the Claim Form?

YES / NO

If not what are your full names? _____

6. Do you intend to defend the claim?

YES / NO

*(If so you must file a defence within 28 days of the service of the Claim form on you.)

7. Do you admit the whole of the claim?

YES / NO

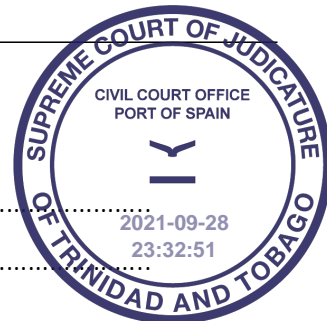
8. Do you admit any part of the claim?

YES / NO

9. If so, what do you admit?

10. What is your own address?

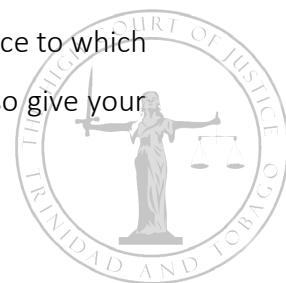
.....
.....



11. What is your address for service?

.....
.....
.....

*(If you are acting in person you must give an address within 3 miles of the court office to which documents may be sent either from other parties or from the court. You should also give your telephone number, Fax number and Email address if any.



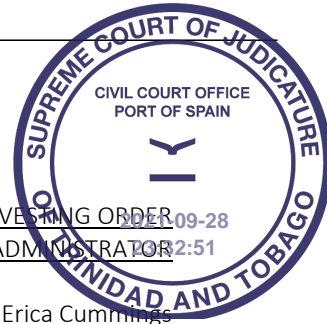
Signed: Name in Block: _____

(Defendant in Person) (Defendant's Attorney -at -Law)

[Date: ____/____/2021]

The Court Office is at the Hall of Justice, Knox Street, Port of Spain, telephone number is 623-7969, Fax No. 623-241ext 2119. The office is open between 8:00 a.m. AND 4:00 p.m. Mondays to Fridays except Public Holidays.

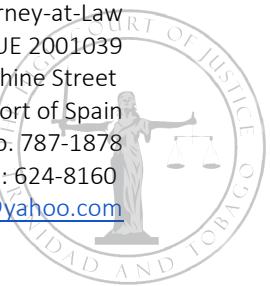
FORM 5: DEFENCE AND COUNTERCLAIM [Part 10 and Rule18.5(1)]



NATURE OF CASE: LAND: SPECIFIC PERFORMANCE - VESTING ORDER
ESTATE -WILLS, EXECUTORS AND ADMINISTRATOR

FILING/ADVOCATE ATTORNEY:

Erica Cummings
Attorney-at-Law
Bar No. CUE 2001039
1A Shine Street
Port of Spain
Tel. No: 787-1878
Fax. No: 624-8160
Email: ericacummings19@yahoo.com



THE REPUBLIC OF TRINIDAD AND TOBAGO:

IN THE HIGH COURT OF JUSTICE

Claim No. CV2021-

IN THE MATTER OF THE REAL PROPERTY ACT CHAP. 56:02
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IN THE MATTER OF INHERENT JURISDICTION OF THE COURT UNDER THE SUPREME COURT OF
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Between

MARK RAMKERRYSINGH AND NICOLE BEAUBRUN-TOBY
in their capacity as Executors of the Estate of
Dame Hilda Bynoe (deceased)

1ST CLAIMANTS

LEONARD BYNOE

2ND CLAIMANT

And

THE ADMINISTRATOR GENERAL

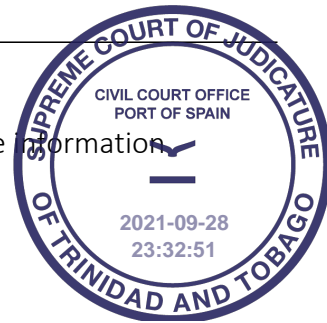
DEFENDANT

(Statutory Representative of the Estate of Vernella D'urso-Bynoe, deceased, pursuant
to section 10(4) of the Administration of Estates Act Chap. 9:01 Laws of Trinidad and Tobago)

DEFENCE

I dispute the claim on the following grounds:

I certify that all the facts set out in my defence are true to the best of my knowledge and belief. My address for service is



Telephone no. Fax no. e-mail address

Signed Dated
Defendant



We are acting for the Defendant, our address for service is:

Signed (Attorneys-at-law for the Defendant)

The court office is at the Hall of Justice, Knox Street, Port-of-Spain telephone number 627-2416, FAX 623-7421. The office is open between 8:00 a.m. and 4:00 p.m. Mondays to Fridays except public holidays and court holidays.

COUNTERCLAIM

I claim against the Claimant
(set out details of the remedy or relief sought)
on the following grounds:

I certify that all the facts set out in my counterclaim are true to the best of my knowledge information and belief and that I am entitled to the remedy claimed

Signed Dated

We are acting for the Defendant, our address for service is—

Signed (Attorneys-at-law for the Defendant)

Notes:

-
- a. The Defendant may set out his defence in any way he chooses — it is not necessary to use this form.
- b. The Defendant must—
- state which allegations in the claim he admits
 - which he denies
 - which he neither admits or denies because he does not know whether they are true
 - identify any documents which he considers necessary to his case.
- c. He must give his reasons for denying any allegations made by the Claimant.
- d. The Defendant must set out clearly all the facts on which he relies to dispute the claim and must set out any different version of events on which he relies.
- e. The Defendant may not be allowed to give evidence about any fact which is not set out in the defence.
- f. If the Defendant wishes to counterclaim he must—
- specify any remedy that he seeks against the Claimant
 - include a short statement of all facts on which he relies
 - identify any documents which he considers necessary to his case.
- g. Where the Defendant is represented by an attorney-at-law he must also sign the form and give his address for service, which must be within 3 miles of the court office.

