

**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

MOHAMMAD HAMED, by his
authorized agent WALEED HAMED,

Plaintiff/ Counterclaim Defendant

v.

FATHI YUSUF and
UNITED CORPORATION

Defendants/ Counterclaimants,

v.

WALEED HAMED, WAHEED
HAMED, MUFEED HAMED,
HISHAM HAMED,
and PLESSEN ENTERPRISES, INC.,

Counterclaim Defendants.

Case No.: SX 2012-CV- 370

ACTION FOR DAMAGES

JURY TRIAL DEMANDED

RESPONSE TO DEFENDANTS' OBJECTION RE BOND

Defendants belatedly object on February 12th to the use of property that this Court already approved as part of the bond, Parcel 100 Eliza's Retreat, referencing a *lis pendens* filed by Fathi Yusuf's daughter against this property. The timeline of the *lis pendens* is instructive:

- **March 22, 2013** - Hoda Fathi Yusuf files a *Lis Pendens* against Plot No. 65 Estate Eliza's Retreat (owned by Shawn Hamed), noting the property is subject to a "marital homestead" in an action for divorce filed by her against Shawn Hamed. See **Exhibit 1**.
- **January 30, 2014** - Shawn Hamed pledges Parcel 100 Eliza's Retreat, a different plot of unencumbered, unimproved land titled in his sole name, as part of the bond required by this Court. See **Exhibit 2**.
- **January 31, 2014** - Superior Court (Family Division) dismisses the divorce action filed against Shawn Hamed by Hoda Fathi Yusuf for lack of subject matter jurisdiction on the grounds that the parties were never married. See **Exhibit 3**.

- **February 7-10, 2014** - This Court approves property (Parcel 100 Eliza's Retreat) as part of bond, docketing the order and directing counsel to record the Order See **Exhibit 4**.
- **February 12, 2014 (2:36 p.m.)** - Plaintiff's Counsel records Court Order at 2:36 PM as directed. See **Exhibit 4**.
- **February 12, 2014 (4:36 p.m.)** - Defendants file an objection to use of property, referencing a February 5, 2014, *lis pendens* recorded (without notice) against Parcel 100 Eliza's Retreat (**Exhibit 5**), alleging that the subject property is "the marital homestead" that is the subject of litigation in the (dismissed) divorce. **Exhibit 6**.

As can be seen, the *lis pendens* was not recorded until (1) after notice was given to the Yusufs of the pledging of this property and (2) after the underlying action for divorce was dismissed for lack of subject matter jurisdiction *because the parties were never legally married*.

Thus, there are two separate reasons why the *lis pendens* incorrectly states that Parcel 100 Eliza's Retreat is the subject of pending litigation as a "marital homestead."

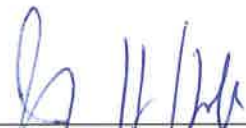
First, it is an unimproved parcel of land, which by definition cannot possibly be a homestead. See, e.g., *Garcia v. Garcia*, 2013 WL 5304643, *4 (V.I. September 20, 2012) ("a 'marital homestead' is any 'homestead' in which a husband and wife both reside during the marriage"). Indeed, Hoda Fathi Yusuf and her lawyer both know this, as they recorded a *lis pendens* against what they alleged was the "marital homestead" last April and did not include this unimproved Parcel 100 Eliza's Retreat in that *lis pendens*.¹

¹ Pursuant to 16 V.I.C. §62, a spouse has no interest in property owned by the other spouse. See *Dyndul v. Dyndul*, 541 F.2d 132 (3rd Cir. 1976) (Virgin Islands is not a community property jurisdiction).

Second, the order dismissing the divorce action is a final order. No motion for reconsideration was filed. While an appeal has been filed, there has not been an application for or issuance of an order staying the effect of the final dismissal. Hence, even if unimproved real property *could* be considered to be a marital asset that could be at issue in a divorce action, the order dismissing the divorce case is a final order, so the recording of the *lis pendens* against this additional piece of property after the final order was improper.

Thus, the *lis pendens* is both untimely and inaccurate, and should not be considered by this Court as a proper basis for an objection to the pledging of Parcel 100 Eliza's Retreat as partial security for the bond, which this Court has already approved.

Dated: February 18, 2014



Joel H. Holt, Esq.
Counsel for Plaintiff
2132 Company Street,
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Tele: (340) 773-8709
Fax: (340) 773-8677

Carl J. Hartmann III, Esq.
Counsel for the Waheed Hamed
5000 Estate Coakley Bay, L-6
Christiansted, VI 00820
(340) 719-8941
carl@carlhartmann.com

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of February, 2014, I served a copy of the foregoing Memorandum by email, as agreed by the parties, on:

Nizar A. DeWood
The DeWood Law Firm
2006 Eastern Suburb, Suite 101
Christiansted, VI 00820

Gregory H. Hodges
Law House, 10000 Frederiksberg Gade
P.O. Box 756
ST. Thomas, VI 00802
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IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

HODA FATHI YUSUF HAMED,)
)
 Plaintiff,)
 v.)
 HISHAM MOHAMMED HAMED,)
)
 Defendant.)

SX-13-DI- 42
 ACTION FOR DIVORCE

NOTICE OF LIS PENDENS

TO ALL WHOM THIS MAY CONCERN:

PLEASE TAKE NOTICE that an action has been commenced, pursuant to the above caption, and it is now being litigated by Plaintiff, HODA FATHI YUSUF HAMED, against Defendant, HISHAM MOHAMMED HAMED. The object of the suit, among other things, concerns the division of the marital homstead with regard to the following described real property described as follows:

Plot No. 65, Estate Eliza's Retreat, East End Quarter "A," consisting of 0.833 U.S. acres, more or less, as more fully described on OLG Drawing No. 4328, dated July 9, 1986, revised May 4, 1989.

The Recorder of Deeds is hereby directed to note this Lis Pendens in the public records.

Respectfully submitted,



H.A. CURT OTTO, ESQUIRE
 H.A. Curt Otto, P.C.
 Counsel for Plaintiff
 1138 King Street
 Christiansted, St. Croix
 U.S. Virgin Islands 00820
 Phone: (340) 773-3031
 Fax: (340) 773-395

DATED: 3/22/13



967
 2/25/13
 Atty. Office

Doc# 2013000952
 Book: 1300
 Pages: 300
 Filed & Recorded: 03/22/2013 1:09PM
 ALTHEA A. PENRO
 RECORDER OF DEEDS
 ST CROIX
 RECORDING FEE
 PER PAGE FEE

Althea A. Penro
 Recorder

25.00
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IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX

MOHAMMAD HAMED,

Plaintiff,

v.

FATHI YUSUF and UNITED CORPORATION,

Defendants.

CIVIL NO. SX-12-CV-370

ACTION FOR DAMAGES,
INJUNCTIVE AND
DECLARATORY RELIEF

JURY TRIAL DEMANDED

**PLEDGE OF REAL PROPERTY BY HISHAM M. HAMED AS SECURITY FOR BOND
REQUIRED BY DECEMBER 5, 2013, BOND ORDER**

I, Hisham M. Hamed hereby pledge the unencumbered real property owned by me at Plot 100 Eliza's Retreat, St. Croix to secure in part the bond that Plaintiff needs to post pursuant to this Court's December 5, 2013, Bond Order. See **Exhibit 1**. I certify that the property is free and clear of all liens as per the attached Title Report. See **Exhibit 2**. The assessed value of the property by the tax assessor is \$43,400 as per the attached Property Tax document. See **Exhibit 3**. I remain available to execute any further documents this Court deems appropriate to secure the bond in part by the pledge of this property.

Dated: January 24, 2014



Hisham M. Hamed

Sworn and subscribed to before me
this 24th day of January, 2014.



Notary Public NOTARY PUBLIC
JERRI FARRANTE
Commission Exp: August 26, 2015
NP 078-11

EXHIBIT

2

Blumberg No. 5208

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX: KINGSHILL

HODA FATHI YUSEF HAMED,)	CASE NO. SX-13-DI-42
)	
Plaintiff,)	ACTION FOR DIVORCE
)	
vs.)	
)	
HISHAM MOHAMMED HAMED,)	
)	
Defendant.)	

ORDER

THIS MATTER comes before the Court on Defendant Hisham Mohammed Hamed's ("Mr. Hamed") Motion to Dismiss Divorce Complaint for the Family Court's lack of jurisdiction absent a valid marriage, and Plaintiff Hoda Fathi Yusef Hamed's ("Ms. Hamed") Cross Motion for Partial Summary Judgment declaring the parties' marriage valid. As both motions are premised on whether or not the parties' had a legal marriage, this Court shall consider both motions as effecting the same purpose, namely motions for Summary Judgment, and render a combined order on both. For the reasons that follow, Mr. Hamed's Motion to Dismiss the Divorce Complaint is **GRANTED** and Ms. Hamed's Cross Motion for Partial Summary Judgment is **DENIED**.

BACKGROUND

In this case, neither party contests that on May 7, 1999, both parties participated in an Islamic marriage ceremony at the Islamic

Blumberg No. 5208
EXHIBIT
3

CASE NO. SX-13-DI-42
Order
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Mosque on the island of St. Croix in the U.S. Virgin Islands.¹ Following the ceremony, the parties were issued a "Marriage Certificate" by the Virgin Islands International Islamic Society, and signed by the Imam of the mosque, certifying that a marriage had been entered.² Both parties also acknowledge that a valid Virgin Islands Marriage Certificate was not obtained either before or after the abovementioned religious ceremony during the period of the parties' cohabitation.³ It is also uncontested that in 2008 both parties applied to the Superior Court of the Virgin Islands for a marriage license. However, that license was never completed by a later solemnization, as required by Virgin Islands Law.⁴

Despite having never obtained a valid marriage license, both parties agree that they are considered married under Islamic law.⁵ To

¹ Defendant's Motion to Dismiss Divorce Complaint, at 2; Plaintiff's Opposition to Motion to Dismiss Divorce Complaint and Cross Motion for Partial Summary Judgment, at 2.

² Id.

³ Defendant's Motion to Dismiss Divorce Complaint, at 2; Plaintiff's Opposition to Motion to Dismiss Divorce Complaint and Cross Motion for Partial Summary Judgment, at 4-5.

⁴ 16 V.I.C. 38(a). Plaintiff's Opposition to Motion to Dismiss Divorce Complaint, at 5. Defendant's Motion to Dismiss Divorce Complaint, at 5.

⁵ Defendant's Reply to Plaintiff's Opposition to Motion to Dismiss, p.6; Plaintiff's Opposition to Motion to Dismiss, p. 3

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Order
Page 3

that end, both parties admit to having cohabited as husband and wife,⁶ and had four children together.⁷ However, the clear issue of dispute before the court is if, at any time, a valid marriage existed before the Court, thus allowing the Court to exercise jurisdiction over its dissolution.

In his Motion to Dismiss, Mr. Hamed argues that the parties' 1999 marriage ceremony, as it did not include a valid marriage license, failed to create a valid marriage under Virgin Islands law, as elaborated by the District Court in In Re Khalil.⁸ Furthermore, despite the parties' application for a marriage license in 2008, Mr. Hamed argues that the lack of a subsequent solemnization again prevented a valid marriage from being formed.⁹ As such, this Court lacks subject matter jurisdiction over Ms. Hamed's divorce complaint, as only a husband and wife may maintain an action for divorce.¹⁰

In contrast, Ms. Hamed argues that the District Court erred in the Khalil decision, and, per the Internal Operating Procedures of

⁶ In her Opposition to Mr. Hamed's Motion to Dismiss the Divorce Complaint, Ms. Hamed submitted exhibits referencing her use of the surname Hamed on her passport, tax returns, bank card, and other documents. Plaintiff's Reply in Opposition, at 3-4. Additionally, Mr. Hamed, in his Opposition to Ms. Hamed's Cross Motion for Summary Judgment, admitted to being in an Islamic marriage contract. Defendant's Reply to Plaintiff's Opposition, at 6.

⁷ Defendant's Motion to Dismiss, at 8. Plaintiff's Reply in Opposition, at 3.

⁸ In re Khalil, 2001/183, 2003 WL 1873739 (D.V.I. Apr. 4, 2003).

⁹ Defendant's Motion to Dismiss, at 5.

¹⁰ Id. at 7, citing 16 V.I.C. 101.

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Page 4

the Virgin Islands Supreme Court, Khalil is not binding.¹¹ Furthermore, Ms. Hamed argues that she relied upon the legitimacy of the 1999 marriage, to the extent that she stopped pursuing tertiary education¹² and changed her identity to reflect her married status.¹³ Having taken such steps in reliance on the parties' marriage, Ms. Hamed argues that under Islamic law, if this court fails to grant a divorce in this matter, she will be unable to obtain an Islamic divorce, and would be unable to remarry according to the tenets of her religion, and her child custody rights would be jeopardized.¹⁴ In addition, Ms. Hamed argues that failure to grant a divorce would potentially subject her to negative repercussions in some Islamic countries she may visit.¹⁵

DISCUSSION

In the Virgin Islands, "because summary judgment is a drastic remedy, it should be granted only when 'the pleadings, the discovery and disclosure materials on file, and any affidavits show that there is no genuine issue as to any material fact and that the movant is

¹¹ Plaintiff's Reply in Opposition, at 13.

¹² Id., at 1.

¹³ Id., at 3-4.

¹⁴ Id., at 7-9.

¹⁵ Id., at 7-8. Specifically, Ms. Hamed argues that she must receive a civil divorce in order to obtain an Islamic divorce. Absent a civil divorce, Ms. Hamed would remain effectively married and her rights vis-a-vis property and custody would be diminished, and she could even be subject to execution in Islamic countries.

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entitled to judgment as a matter of law.¹⁶ "When reviewing the record, this Court must view the inferences to be drawn from the underlying facts in the light most favorable to the non-moving party, and we must take the non-moving party's conflicting allegations as true if 'supported by proper proofs.'¹⁷ "[T]o survive summary judgment, the nonmoving party's evidence must amount to more than a scintilla, but may amount to less (in the evaluation of the court) than a preponderance.¹⁸"

Furthermore, in the Virgin Islands, the Family Division of the Superior Court has jurisdiction over all actions for divorce.¹⁹ However, as Divorce is an action to dissolve the bonds of marriage between husband and wife, a marriage must exist for the Court to have jurisdiction. The District Court of the Virgin Islands, in In Re Khalil, considered the requirements for a marriage to exist under Virgin Islands law. In Khalil, a couple participated in an Islamic religious ceremony on the Island of St. Croix and failed to procure a Virgin Islands marriage license. The District Court held that a prior license is a mandatory predicate to a legal marriage under Virgin

¹⁶ Williams v. United Corp., 50 V.I. 191, 194 (V.I.2008) (citing Maduro v. Am. Airlines, Inc., S.Ct. Civ. No.2007-029, 2008 WL 901525, at *2 (V.I. Feb. 28, 2008) (unpublished) (quoting former wording of Fed.R.Civ.P. 56(c))).

¹⁷ Joseph v. Hess Oil V.I. Corp., S.Ct. Civ. No.2009-0054, 2011 WL 1304611, at *4 (V.I. Mar. 8, 2011) (quoting Williams, 50 V.I. at 194-95 (V.I. 2008)).

¹⁸ Id. (internal quotation marks omitted). United Corp. v. Tutu Park Ltd., 2011 WL 4017711 (V.I.), 2.

¹⁹ 4 V.I.C. 76.

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Islands law.²⁰ Absent such a license, a marriage does not exist under Virgin Islands law, and this Court may not dissolve a marriage that does not exist.

In this case, as has been elaborated *supra*, the parties agree that an Islamic marriage ceremony took place and at no point, either before or after that ceremony, was a Virgin Islands marriage license procured and finalized in accordance with Virgin Islands law. Even when considering the facts of this matter in a light most favorable to Ms. Hamed, there is no genuine factual dispute as to whether the Hamed's purported marriage complied with Virgin Islands law.²¹

Nonetheless, in her Opposition to Mr. Hamed's Motion to Dismiss, Ms. Hamed argues that the District Court's holding in Khalil is wrong, and this Court is not bound to Khalil as it is an unpublished opinion. Specifically, Ms. Hamed references the Supreme Court of the Virgin Islands' Internal Operating Procedures' Rule 5.7.1. Rule 5.7.1 instructs the Supreme Court to not cite to unpublished opinions as legal precedent. However, this Court is the Superior Court of the Virgin Islands, not the Supreme Court. As such, the Rules of the Superior Court, not those of the Supreme Court, apply in this Court's proceedings. Furthermore, decisions rendered by the Third Circuit and the Appellate Division of the District Court are binding upon the

²⁰ In re Khalil, 2001/183, 2003 WL 1873739 (D.V.I. Apr. 4, 2003)

²¹ Defendant's Motion to Dismiss Divorce Complaint, at 2; Plaintiff's Reply in Opposition, at 4-5.

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Page 7

Superior Court even if they would only represent persuasive authority when the Supreme Court considers an issue.²² Thus this Court is bound to follow the District Court's holding in In Re Khalil.

Ms. Hamed, in her cross motion for summary judgment, also alleges that she detrimentally relied on her marriage to Mr. Hamed being valid. While not framed as such, this Court believes Ms. Hamed seeks to assert a claim in equitable estoppel, of which detrimental reliance is a component. This Court is uninclined to entertain an argument in equity with existing precedent directly on point. Nonetheless, even if it were, Ms. Hamed would have failed to meet the elements to prevail.

In the Virgin Islands, the first element of equitable estoppel is a representation of some kind made by the party to be estopped which "often consists of some verbal statement... that something is true or not true contrary to the actual facts and the estopped party's later claim." Gov't Guarantee Fund of Republic of Finland v. Hyatt Corp., 955 F. Supp. 441, 458 (D.V.I. 1997). The second element is an "intention or expectation that one's conduct shall be acted upon by, or influence, the party seeking estoppel." *Id.* The third element is full knowledge by the party sought to be estopped of the true facts at the time of the representation. *Id.* Finally, the party claiming estoppel "must have, as a result of the other party's

²² In re People of the V.I., 51 V.I. 374, 389 n.9 (V.I. 2009).

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Order
Page 8

conduct, acted or failed to act so that his position was changed in such a way that he will suffer injury if the other party is not estopped," and the party claiming estoppel must not have had knowledge of the misrepresented facts. *Id.*

In this case, Mr. Hamed did, through participating in the Islamic marriage ceremony, make a representation that he and Ms. Hamed were married.²³ By taking part in the marriage ceremony, as the facts indicate, the Court finds that Mr. Hamed intended Ms. Hamed to rely on the ceremony to conduct her affairs as a married woman, including cohabitation and bearing children.²⁴ However, on the third element Mr. Hamed's full knowledge of the true facts concerning the marriage's validity at the time of the Islamic ceremony, the Court finds that Ms. Hamed's claim fails. In this case, no evidence was presented that indicated that Mr. Hamed was aware that the Islamic marriage ceremony and subsequent "marriage certificate" would not constitute a valid marriage under Virgin Islands law. In fact, Mr. Hamed, like Ms. Hamed, appears, through his behavior²⁵, to have assumed that the ceremony was valid. As such, the Court finds that the facts do not indicate that Mr. Hamed had full knowledge of the

²³ Defendant's Motion to Dismiss Divorce Complaint, at 2; Plaintiff's Opposition to Motion to Dismiss Divorce Complaint and Cross Motion for Partial Summary Judgment, at 2.

²⁴ See notes 6 and 7 *supra*.

²⁵ The facts indicate that Mr. Hamed lived with Ms. Hamed as a husband would with a wife. The purported marriage produced children and Mr. Hamed appears to have treated Ms. Hamed as his wife.

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true facts concerning the validity of the parties' marriage. Thus, absent a showing of such knowledge on the part of Mr. Hamed, Ms. Hamed's claim in equitable estoppel must fail.

Finally, this Court notes Ms. Hamed's arguments that failure to obtain a civil divorce will prevent her from receiving an Islamic divorce, jeopardizing her custody rights under Islamic law.²⁶ As is the Court's position regarding Ms. Hamed's equitable estoppel argument, this Court is similarly uninclined to entertain what is essentially a fairness argument in the face of existing precedent directly on point. Additionally, the Court notes that, in regards to child custody, both parties agree that all of their children were born on St. Croix, and continue to reside there.²⁷ As such, under Virgin Islands law, this Court retains jurisdiction over custody of the parties' minor children regardless of whether a divorce takes place.²⁸

In sum, this Court finds that, per binding precedent, no valid marriage exists in this case under Virgin Islands Law. As such, this Court may not entertain an action for divorce in this matter. Absent

²⁶ Plaintiff's Reply in Opposition, at 7-8.

²⁷ Defendant's Motion to Dismiss, at 3. Plaintiff's Reply in Opposition, at 3.

²⁸ Per the parties' pleadings, St. Croix is the home state of the parties' minor children, and both parties have a significant connection with St. Croix beyond mere physical presence. As such, as of the time of this order, this Court would have original jurisdiction over any custody action. 16 V.I.C. 127.

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jurisdiction, this Court must, therefore, grant Mr. Hamed's motion to Dismiss.

Therefore the Court, having been advised in the premises, it is hereby

ORDERED that Defendant Hisham Mohammed Hamed's Motion to Dismiss Divorce Complaint is **GRANTED**; it is further

ORDERED that Plaintiff Hoda Fathi Yusef Hamed's Cross Motion for Partial Summary Judgment is **DENIED**; it is further

ORDERED that this Action for Divorce is **DISMISSED**; and it is further

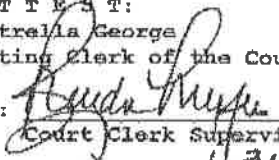
ORDERED that previous order setting this matter down for trial on February 10, 2014, is hereby **VACATED**. Parties are not required to appear; and any action for custody, visitation, etc. is to be filed as a separate action.

ORDERED that a copy of this Order be served on the parties.

DONE AND SO ORDERED this 31st day of January, 2014.


DENISE A. HINDS ROACH, JUDGE

A T T E S T:
Estrella George
Acting Clerk of the Court

By: 
Court Clerk Supervisor
1/31/14

JOEL H. HOLT, ESQ. P.C.

2132 Company Street, Suite 2
Christiansted, St. Croix
U.S. Virgin Islands 00820

Tele. (340) 773-8709
Fax (340) 773-8677
E-mail: holtvi@aol.com

February 11, 2014

To: Office of the Recorders

Fr: Joel H. Holt

Re: Plot 100 Estate Eliza's Retreat

Please record the attached Order of Encumbrance against the following property:

Plot 100 Estate Eliza's Retreat, East End Quarter "A",
consisting of 0.542 U.S. acre more or less, as shown on
OLG Drawing No. 4328, dated July 9, 1986, revised May 4,
1989.

8K268U0F50S0853TOLCH00S12.00V510H3E6.0
C60F

MISCELLANEOUS PAYMENT RECPT#: 2493252
Gov't of the U.S. Virgin Islan
2314 Kronprindsens Gade
Charlotte Amalie VI 00802

DATE: 02/12/14 TIME: 14:36
CLERK: vthomss1 DEPT: LTGOVSTX
CUSTOMER#: 0

COMMENT: ORDER/STAMP

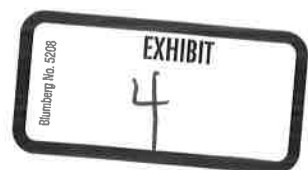
CHG: 2155R2 RECORDING, ATTE 52.00

AMOUNT PAID: 52.00

PAID BY: ATTY HOLT
PAYMENT METH: CHECK
10760

REFERENCE:

AMT TENDERED: 52.00
AMT APPLIED: 52.00
CHANGE: .00



IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX

MOHAMMAD HAMED BY HIS
AUTHORIZED AGENT WALEED
HAMED
VS.
FATHI YUSUF AND UNITED
CORPORATION

Case Number SX-2012-CV-0000370

Action For DAMAGES, ET AL.

NOTICE

OF

ENTRY OF ORDER

TO: ✓ JOEL H. HOLT, ESQ.
NIZAR A. DEWOOD, ESQ.
CARL J. HARTMANN III, ESQ.
GREGORY H. HODGES, ESQ.

Please take notice that on 10th day of February, 2014 a(n) ORDER OF ENCUMBRANCE dated February 7, 2014 was entered by this Court in the above-titled matter.

Dated: 10th day of February, 2014

ESTRELLA GEORGE
Acting Clerk of the Court



By: IRIS D. CINTRON
TITLE: COURT CLERK II

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX

MOHAMMAD HAMED by His Authorized
Agent WALEED HAMED,

Plaintiff,

v.

FATHI YUSUF and UNITED CORPORATION,

Defendants.

CIVIL NO. SX-12-CV-370

14 FEB -6 MO 51
ACTION FOR DAMAGES
INJUNCTIVE AND
DECLARATORY RELIEF

JURY TRIAL DEMANDED

ORDER OF ENCUMBRANCE

Plaintiff has caused certain Pledges of property to be filed with the Clerk of Court to secure the bond for the preliminary injunction, all of which were withdrawn but one plot. In order to perfect the lien on this one plot, the Court hereby directs Plaintiff's counsel to promptly record this Order of Encumbrance with the Recorder of Deeds on St. Croix in order to put on record that the following property is now encumbered by the December 5, 2013, Bond Order entered until further notice of this Court:

1. Plot 100 Estate Eliza's Retreat, owned by Hisham M. Hamed more fully described as:

Plot 100 Estate Eliza's Retreat, East End Quarter "A", consisting of 0.542 U.S. acre more or less, as shown on OLG Drawing No. 4328, dated July 9, 1986, revised May 4, 1989.

Plaintiff's counsel shall file a notice of compliance once this Order is recorded.

Dated:

February 7, 2014

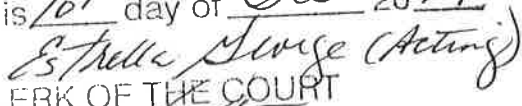

Honorable Douglas A. Brady
Judge, Superior Court

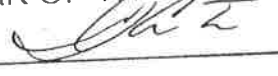
ATTEST:

ESTRELLA GEORGE
Acting Clerk of Court

By: 
Deputy Clerk

CERTIFIED TO BE A TRUE COPY
This 10th day of Feb 2014


ESTRELLA GEORGE (Acting)
CLERK OF THE COURT

By:  Court Clerk II

4203
21-05336
The Walker Legal Group

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX

HODA FATHI YUSUF HAMED,

Plaintiff,

v.

HISHAM MOHAMMED HAMED,

Defendant.

CASE NO. SX-13-DI-42

ACTION FOR DIVORCE

NOTICE OF LIS PENDENS

TO ALL WHOM THIS MAY CONCERN:

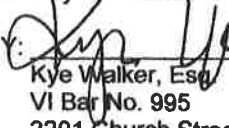
PLEASE TAKE NOTICE that an action has been commenced, pursuant to the above caption, and it is now being litigated by Plaintiff HODA FATHI YUSUF HAMED against Defendant HISHAM MOHAMMED HAMED. The object of the suit, among other things, concerns the division of the marital homestead with regard to the following described real property described as follows:

Plot No. 100, Estate Eliza's Retreat, East End Quarter "A", consisting of 0.542 U.S. acre, more or less, as shown on OLG Drawing No. 4328, dated July 9, 2986, revised May 4, 1989.

The Recorder of Deeds is hereby directed to note this Lis Pendens in the public records.

Respectfully Submitted,
THE WALKER LEGAL GROUP
Attorney for Plaintiff

DATED: February 5, 2014

BY: 
Kye Walker, Esq.
VI Bar No. 995
2201 Church Street, Suite 16A
Christiansted, St. Croix
U.S. Virgin Islands 00820-4611
Telephone: (340) 773-0601
Fax: (888) 231-0601
kye@thewalkerlegalgroup.com

Doc# 2014000411
Book: 1341
Pages: 1/1
Filed & Recorded
02/05/2014 3:15PM
AT THE A. PEDRO
RECORDER OF DEEDS
ST. CROIX
RECORDING FEE
PER PAGE FEE
\$ 25.00
1.00

Attended file


The Walker Legal Group
2201 Church St.
Suite 16A
Christiansted, St. Croix
USVI 00820-4611
Tel: 340-773-0601
Fax: 888-231-0601
kye@thewalkerlegalgroup.com

Blumberg No. 5208
EXHIBIT
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From: Cordelia Jones <legalasst@cameronlawvi.com>
To: Carl J. Hartmann III Esq. (carl@carlhartmann.com) <carl@carlhartmann.com>; Joel H. Holt Esq. (holtvi@aol.com) <holtvi@aol.com>
Cc: NIZAR DEWOOD <dewoodlaw@me.com>; Gregory H. Hodges (ghodges@dtflaw.com) <ghodges@dtflaw.com>; Charlotte Perrell (cperrell@dtflaw.com) <cperrell@dtflaw.com>; Cordelia Jones <legalasst@cameronlawvi.com>
Subject: Re: Mohammad Hamed, Plaintiff/Counterclaim Defendant v. Fathi Yusuf & United Corp., Defendants/Counterclaimants; Case No. SX-12-cv-370
Date: Wed, Feb 12, 2014 4:30 pm
Attachments: 2014-02-12_Response_to_Motion_to_Substitute_Additional_Bond.pdf (1108K)

Dear Attorneys Holt and Hartmann:

Attached please find your service copy of Defendants/Counterclaimants Fathi Yusuf and United Corporation's ***Response to Motion to Substitute Additional Bond and Objection to Adequacy of Proposed Bond.***

Once we receive a stamped "filed" back from the Court, we will be happy to send you a copy if you would like?

With kindest regards,

Cordelia

Cordelia L. Jones, C.P., C.L.A

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