

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

WALEED HAMED, as the Executor of the
Estate of MOHAMMAD HAMED,

Plaintiff/Counterclaim Defendant,

vs.

FATHI YUSUF and **UNITED CORPORATION**

Defendants and Counterclaimants,

vs.

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

Counterclaim Defendants.

Case No.: SX-2012-cv-370

**ACTION FOR DAMAGES,
INJUNCTIVE RELIEF AND
DECLARATORY RELIEF**

JURY TRIAL DEMANDED

Consolidated with

Case No.: SX-2014-CV-287

**ACTION FOR DECLARATORY
JUDGMENT**

JURY TRIAL DEMANDED

Consolidated with

Case No.: SX-2014-CV-278

**ACTION FOR DEBT AND
CONVERSION**

JURY TRIAL DEMANDED

WALEED HAMED, as the Executor of the
Estate of MOHAMMAD HAMED,

Plaintiff,

vs.

UNITED CORPORATION,

Defendant.

WALEED HAMED, as the Executor of the
Estate of MOHAMMAD HAMED,

Plaintiff,

vs.

FATHI YUSUF,

Defendant.

Request to Admit 45 of 50:

Request to admit 45 relates to Yusuf claims for rent as to Bays other than Bay 1 at the Sion Farm (plaza East Store) location. Defendants are directed to review attached Exhibits 1 and 2. Exhibits 1 and 2 were provided as copies of original documents and authenticated by Fathi Yusuf -- as an attachment to his Affidavit in support of his 8/12/2015 motion for Summary judgment.

Admit or Deny that Exhibit 2 is a February 7, 2012, check numbered 64866, bearing the memo "PLAZA EXTRA (SION FARM) RENT" -- conveying back rent payment funds to United Corporation for the benefit of the Partnership -- and that neither that check nor the calculations set forth on Exhibit 1 state anywhere on the face of either document that the back rent for the Store in Sion Farm being paid, was restricted to "BAY 1", or have any language excluding any other Bays at the Sion Farm location.

Response:

Dated: March 26, 2018



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CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of March, 2018, I served a copy of the foregoing by email (CaseAnywhere ECF), as agreed by the parties, on:

Hon. Edgar Ross

Special Master
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CERTIFICATE OF COMPLIANCE WITH RULE 6-1(e)

This document complies with the page or word limitation set forth in Rule 6-1(e).



United Corporation dba Plaza Extra

Tutu Park Store Sales:

1-1-2004 to 12-31-2004	32,323,902.88
Less: 1-1-2004 to 5-4-2004	-10,849,029.02
Sales 5-5-2004 to 12-31-2004	<u>21,474,873.86</u>

Tutu Park Store:

Paid Rent, Water, & Property Tax	263,577.53
Paid 1.5% Overage	71,914.23
5-5-2004 to 12-31-2004	<u>335,491.76</u>

1-1-2005 to 12-31-2005	515,361.54
1-1-2006 to 12-31-2006	590,533.60
1-1-2007 to 4-1-2007	255,699.33
4-2-2007 to 12-3-2007	468,689.55
1-3-2008 to 12-5-2008	540,180.12
1-5-2009 to 12-10-2009	529,799.66
1-6-2010 to 12-3-2010	527,565.40
1-1-2011 to 12-31-2011	<u>541,175.61</u>

Rent, etc. 5-5-2004 to 12-31-2011	4,304,496.57
Parking Lot Cleaning	126,000.00
Total Amount Paid	<u>4,430,496.57</u> a

Tutu Park Store Sales:

5-5-2004 to 12-31-2011	261,474,323.91
Portion of Sales - Rented building	217,895,269.93
Portion of Sales - Area built by Plaza	<u>43,579,053.98</u> b

Total Paid as a % of Sales (Rented Bldg.) = a/b 2.0333147073%

Sion Farm Sales:

Sion Farm Sales 5-5-2004 to 12-31-2011	273,884,222.70
Less: R/X	-7,874,897.13
	<u>266,009,325.57</u>

Calculated Rent as a % of Sales Sion Farm \$ 5,408,806.74

EXHIBIT 1

64866

UNITED CORPORATION DEBIA PLAZA EXTRA
UNITED SHOPPING PLAZA

Check Number: 64866

Check Date: Feb 7, 2012

Check Amount: \$5,408,806.74

Discount Taken Account Paid

5,408,806.74

Item to be Paid - Description

Rent - Sion farm


64866	BANCO POPULAR DE PUERTO RICO 101-882818	UNITED CORPORATION DEBIA PLAZA EXTRA 4C & 4D ESTATE SION FARM CHRISTIANSTED, VI 00821 (340) 778-6240 (340) 719-1870	DATE Feb 7, 2012
AMOUNT	\$ 5,408,806.74	Five Million Four Hundred Eight Thousand Eight Hundred Six and 74/100 Dollars	VOID AFTER 90 DAYS
PAY TO THE ORDER OF: UNITED SHOPPING PLAZA P.O. BOX 743 C'SSED ST. C ROIX, VI 00821		Name: PLAZA EXTRA (SION FARM) BANK #0265066748 896m348830#	
		AUTHORIZED SIGNATURE	

Exhibit 2

HAMD606094