

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

MANAL MOHAMMAD YOUSEF a/k/a
MANAL MOHAMAD YOUSEF,

Plaintiff,

v.

SIXTEEN PLUS CORPORATION,

Defendant.

CIVIL NO. SX-17-CV- 342

**ACTION FOR DEBT AND
FORECLOSURE**

**COUNTERCLAIM FOR
DAMAGES**

JURY TRIAL DEMANDED

SIXTEEN PLUS CORPORATION,

Counterclaim Plaintiff,

v.

MANAL MOHAMMAD YOUSEF a/k/a
MANAL MOHAMAD YOUSEF and
FATHI YUSUF,

Counterclaim Defendants.

DEFENDANT'S MOTION FOR CONSOLIDATION

This case was filed by the Plaintiff, Manal Yousef, on August 31, 2017, seeking foreclosure of the Diamond Keturah property on St. Croix, owned by the Defendant Sixteen Plus, Corporation. The case has been assigned to the Honorable Douglas A. Brady.

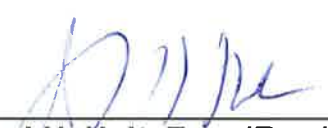
However, an identical claim for foreclosure was filed by Manal Yousef as a counterclaim in another case filed against her by Sixteen Plus, who is challenging the validity of the mortgage, which case has been pending in this Court since February 12,

2016, as Civ. No. 16-cv-65. A copy of the counterclaim is attached as **Exhibit 1**. This case has been assigned to the Honorable Harold W.L. Willocks.

Thus, the Defendant hereby moves to consolidate these two cases pursuant to V.I. Civ. R. P. 42(a), which allows for consolidation of related actions. Nothing could be more related than the exact same claims raised here--foreclosure of the property and the defenses thereto. Indeed, it is unknown why Manal Yousef even filed this second action.

An identical motion for consolidation has been filed in Civ. No. 16-cv-65. See **Exhibit 2**. A proposed order is being submitted, which is the same as the order being filed in the other case, so the Court can decide which Judge will handle both cases if they are consolidated.

Dated: December 19, 2017



Joel H. Holt, Esq. (Bar # 6)
Counsel for Defendant
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CERTIFICATE OF SERVICE

This document complies with the page or word limitation set forth in Rule 6-1 (e). I hereby certify that on this 19th day of December, 2017, I served a copy of the foregoing by hand delivery and email, as agreed by the parties,

James Hymes VI
Bar No. 264
Counsel for Manal Yousef
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jjm@hymeslawvi.com
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Gregory H. Hodges
Stefan Herpel
Lisa Komives
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IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX

SIXTEEN PLUS CORPORATION,

Plaintiff,

vs.

MANAL MOHAMMAD YOUSEF,

Defendant.

MANAL MOHAMMAD YOUSEF,

Counter-Claimant,

vs.

SIXTEEN PLUS CORPORATION,

Counter-Defendant.

CIVIL NO. SX-16-CV-65

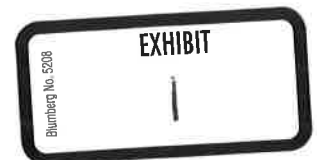
ACTION FOR DECLARATORY
DECLARATORY JUDGMENT

JURY TRIAL DEMANDED

COUNTERCLAIM

**AMENDED ANSWER TO COMPLAINT
AND COMPULSORY COUNTERCLAIM**

COMES NOW the defendant, **MANAL MOHAMMAD YOUSEF**, by her undersigned attorney, James L. Hymes, III, and, as and for her answer to the Complaint, respectfully shows to the Court and alleges:



11. The plaintiff is barred from recovery herein due to the principles of waiver.

12. The plaintiff is barred from recovery herein by reason of the expiration of the applicable statute of limitations.

13. The defendant reserves the right to add additional affirmative defenses which may become appropriate and available to her during the course of discovery.

COMPULSORY COUNTERCLAIM

COMES NOW the defendant/counter-claimant, **MANAL MOHAMMAD YOUSEF**, by her undersigned attorney, James L. Hymes, III, and, without waiving any of her jurisdictional defenses, asserts the following compulsory counterclaim against the plaintiff to be considered by the Court in the event it finds that it has jurisdiction over the parties and the subject matter of this litigation, and respectfully shows to the Court as follows:

1. The defendant/counter-claimant repeats and realleges her responses to paragraphs 1-16 above, and her affirmative defenses 1-8 above, as if fully set forth herein below.

2. This Court has jurisdiction over this compulsory counterclaim pursuant to the provisions of Chapter 89 of Title 5 of the Virgin Islands Code.

3. Venue of this action is appropriate in the division of St. Croix, because the real property against which the counter-claimant has recorded a valid mortgage is located on the island of St. Croix.

4. On September 15, 1997, the plaintiff/counter-defendant, for good and valuable consideration, executed a Promissory Note secured by a First Priority Mortgage, the payment of which was secured by recording said mortgage against the real property owned by the plaintiff/counter-defendant, said real property being

set forth and described in paragraph 7 of the Factual Background section of the plaintiff's Complaint.

5. The Promissory Note and First Priority Mortgage remain unpaid to date.

6. The First Priority Mortgage is valid and enforceable pursuant to the terms and conditions set forth therein, and the plaintiff/counter-defendant is contractually obligated to fulfill all of the terms and conditions of the Promissory Note and First Priority Mortgage and to make the payments due in accordance to the terms and conditions to which it agreed to be legally bound and obligated.

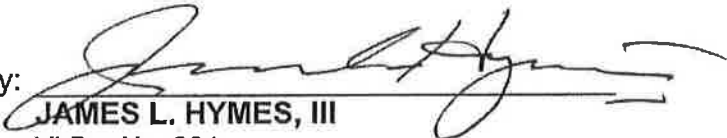
WHEREFORE, the defendant/counter-claimant respectfully requests this Court enter an order declaring the Promissory Note and First Priority Mortgage executed by the plaintiff/counter-defendant valid and fully enforceable, together with interest due and owing and further awarding the defendant/counter-claimant her costs including an award of attorney's fees, for being required to defend the Complaint and to bring this counterclaim.

Respectfully Submitted,

DATED: April 6, 2017.

LAW OFFICES OF JAMES L. HYMES, III, P.C.
Counsel for Defendant –
Manal Mohammad Yousef

By:


JAMES L. HYMES, III

VI Bar No. 264
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SIXTEEN PLUS CORPORATION vs. MANAL MOHAMMAD YOUSEF
SCVI/STX Civil No. SX-16-CV-65
AMENDED ANSWER TO COMPLAINT AND COMPULSORY COUNTERCLAIM

CERTIFICATE OF SERVICE

I hereby certify that on this the 10th day of April, 2017, I caused an exact copy of the foregoing "***Amended Answer to Complaint and Compulsory Counterclaim***" to be served electronically by e-mail, and by mailing same, postage pre-paid, to the following counsel of record:

MARK W. ECKARD, ESQ.
HAMM ECKARD LLP
5030 Anchor Way, Suite 13
Christiansted, USVI, 00820-2690
Phone: (340) 773-6955
Fax: (855) 456-8784
meckard@hammeckard.com
Counsel for Sixteen Plus Corporation

A handwritten signature in cursive, appearing to read "Laura Steiner", is written over a horizontal line.

c:\yousef\2017-04-06...amended answer...

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

SIXTEEN PLUS CORPORATION, ,

Plaintiff/Counterclaim Defendant,

v.

MANAL MOHAMMAD YOUSEF

Defendant/Counterclaim Plaintiff

CIVIL NO. SX-16-CV- 0065

**ACTION FOR
DECLARATORY JUDGMENT**

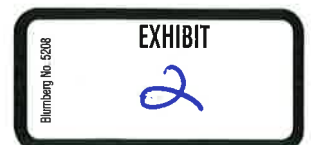
JURY TRIAL DEMANDED

PLAINTIFF'S MOTION TO CONSOLIDATE

This is a case filed by the Plaintiff, Sixteen Plus, Corporation, against Manal Yousef seeking to invalidate a mortgage recorded against the Diamond Keturah property on St. Croix, which is owned by Sixteen Plus. This case was assigned to the Honorable Harold W.L. Willocks. In response, Manal Yousef filed a counterclaim seeking foreclosure of her mortgage, filed on April 6, 2017.

On August 31, 2017, Manal Yousef filed a new case against Sixteen Plus, seeking foreclosure of the same mortgage, which was docketed as SX-17-cv-342. A copy of that Complaint is attached as **Exhibit 1**. This case was assigned to the Honorable Douglas A. Brady.

Thus, the Plaintiff hereby moves to consolidate these two cases pursuant to V.I. Civ. R. P. 42(a), which allows for consolidation of related actions. Nothing could be more related than the exact same claims raised here--foreclosure of the property and the defenses thereto. Indeed, it is unknown why Manal Yousef even filed this second action.



An identical motion for consolidation has been filed in Civ. No. SX-17cv-342. See **Exhibit 2**. A proposed order is being submitted, which is the same as the order being filed in the other case, so the Court can decide which Judge will handle both cases if they are consolidated.

Dated: December 19, 2017




Joel H. Holt, Esq. (Bar # 6)
Counsel for Plaintiff
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Mark Eckard, Esquire (Bar #1051)
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Telephone: (340) 773-6955
Email: mark@meckard.com
Counsel to Sixteen Plus Corporation

CERTIFICATE OF SERVICE

I hereby certify that *this document complies with the page or word limitation set forth in Rule 6-1(e)*, and that on this 19th day of December, 2017, I served a copy of the foregoing by hand delivery and email, as agreed by the parties,

James Hymes VI
Bar No. 264
Counsel for Manal Yousef
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jjm@hymeslawvi.com
rauna@hymeslawvi.com



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

SIXTEEN PLUS CORPORATION, ,

Plaintiff/Counterclaim Defendant,

v.

MANAL MOHAMMAD YOUSEF

Defendant/Counterclaim Plaintiff

CIVIL NO. SX-16-CV- 0065

**ACTION FOR
DECLARATORY JUDGMENT**

JURY TRIAL DEMANDED

MANAL MOHAMMAD YOUSEF a/k/a
MANAL MOHAMAD YOUSEF,

Plaintiff,

v.

SIXTEEN PLUS CORPORATION,

Defendant.

CIVIL NO. SX-17-CV- 342

**ACTION FOR DEBT AND
FORECLOSURE**

**COUNTERCLAIM FOR
DAMAGES**

JURY TRIAL DEMANDED

SIXTEEN PLUS CORPORATION,

Counterclaim Plaintiff,

v.

MANAL MOHAMMAD YOUSEF a/k/a
MANAL MOHAMAD YOUSEF and
FATHI YUSUF,

Counterclaim Defendants.

ORDER RE CONSOLIDATION

This matter is before the Court on Plaintiff's Motion to Consolidate the above tow matters. Thus, upon consideration of the matters before the Court, it is hereby

ORDERED THAT THE MOTION FOR CONSOLIDATION IS GRANTED and this matter is hereby assigned to the Honorable Judge _____.

Dated:

Judge, Superior Court

ATTEST: ESTRELLA GEORGE
Clerk of Court

By: _____

Deputy Clerk

Dist: Joel H. Holt, James Hymes, Mark Eckard, Gregory Hodges, Stephen Herpel, Lisa Komives