

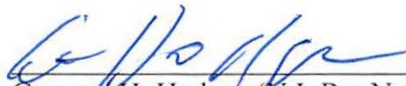
At the time this Court entered the Order, it was obviously unaware that on February 5, 2014, Hoda Fathi Yusuf Hamed had recorded a Notice of Lis Pendens with respect to the property encumbered by the Order. Defendants brought this matter to the attention of the Court in their Response to Motion to Substitute Additional Bond and Objection to Adequacy of Proposed Bond filed on February 12, 2014 (the "Response"). A date stamped copy of the Response is attached as **Exhibit A** for the convenience of the Court.¹ In the Response, Defendants were not able to include a copy of the Notice of Lis Pendens reflecting all of the pertinent recording information. Attached as **Exhibit B** is a copy of the Notice of Lis Pendens received by counsel for Defendants on February 13, 2014, which reflects such recording information.

Since this Court did not have the benefit of the Response at the time of the entry of the Order and the Response clearly establishes why the property identified in the Order can no longer serve as security for the injunction bond, Defendants respectfully request this Court to reconsider and vacate the Order and require the Plaintiff to immediately post cash or other security already determined by this Court to provide adequate security for the injunction bond.

DUDLEY, TOPPER and FEUERZEIG, LLP

Dated: February 14, 2014

By:


Gregory H. Hodges (V.I. Bar No. 174)
1000 Frederiksberg Gade - P.O. Box 756
St. Thomas, VI 00804
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and

¹ Although the Response is dated February 11, 2014 and its Certificate of Service reflects that it was served on that date, in fact, it was served via email on February 12, 2014.

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Nizar A. DeWood, Esq. (V.I. Bar No. 1177)
The DeWood Law Firm
2006 Eastern Suburbs, Suite 101
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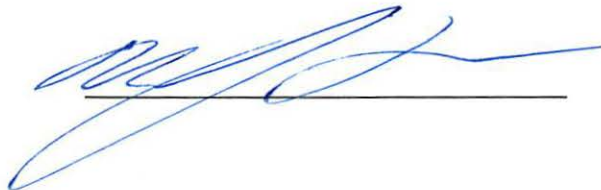
Attorneys for Fathi Yusuf and United Corporation

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of February, 2014, I caused the foregoing **MOTION TO RECONSIDER ORDER OF ENCUMBRANCE DATED FEBRUARY 7, 2014** was served via electronic mail on:

Joel H. Holt, Esq.
Law Office of Joel H. Holt
2132 Company Street
Christiansted, USVI 00820
Email: holtvi@aol.com

Carl J. Hartmann III, Esq.
5000 Estate Coakley Bay
Unit L-6
Christiansted, USVI 00820
Email: carl@carlhartmann.com



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

MOHAMMAD HAMED , by his authorized agent WALEED HAMED ,)	CIVIL NO. SX-12-CV-370
)	
Plaintiff,)	ACTION FOR DAMAGES, INJUNCTIVE RELIEF AND DECLARATORY RELIEF
)	
vs.)	
)	JURY TRIAL DEMANDED
FATHI YUSUF and UNITED CORPORATION ,)	
)	
Defendants.)	
_____)	

ORDER RECONSIDERING AND VACATING ENCUMBRANCE ORDER

Upon the motion of Defendants to reconsider this Court's Encumbrance Order dated February 7, 2014 (the "Order") and for good cause shown, it is accordingly

ORDERED that the Order is hereby vacated and Plaintiff shall post cash or other unencumbered real property with the Clerk of this Court within _____ days of the entry of this order.

Entered this _____ day of February, 2014.

Douglas A. Brady
Judge of the Superior Court

ATTEST:

Estrella George
Acting Clerk of the Court

By: _____
Deputy Clerk

cc: Joel H. Holt, Esq.
Nizar A. DeWood, Esq.
Gregory H. Hodges, Esq.
Carl J. Hartman III, Esq.

EXHIBIT

A

Defendant's Response to Motion to Substitute
Additional Bond and Objection to Adequacy of
Proposed Bond

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

MOHAMMAD HAMED, by his)	
authorized agent WALEED HAMED,)	
)	CIVIL NO. SX-12-CV-370
Plaintiff/Counterclaim Defendant,)	
)	ACTION FOR DAMAGES,
vs.)	INJUNCTIVE RELIEF
)	AND DECLARATORY RELIEF
FATHI YUSUF and UNITED CORPORATION,)	
)	
Defendants/Counterclaimants,)	
)	
vs.)	JURY TRIAL DEMANDED
)	
WALEED HAMED, WAHEED HAMED,)	
MUFEEED HAMED, HISHAM HAMED, and)	
PLESSEN ENTERPRISES,)	
)	
Additional Counterclaim Defendants.)	
)	
)	

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RESPONSE TO MOTION TO SUBSTITUTE ADDITIONAL BOND AND OBJECTION
TO ADEQUACY OF PROPOSED BOND

Defendants/counterclaimants Fathi Yusuf and United Corporation (collectively, the “Defendants”) respectfully submit this response to the “Motion to Substitute Additional Bond” filed by Plaintiff on February 6, 2014, but not received by counsel for Defendants until February 10, 2014. Defendants have no objection to the substitution of cash in the amount of \$168,700 for the three parcels purchased by Shawn Baptiste at tax sales held on November 14, 2012. See “Notice of Posting Additional Bond And Notice of Recording Court Order” filed by Plaintiff on January 30, 2014 (the “Notice of Posting”) at Exhibit B.

Defendants object to the use of Plot 100 Eliza’s Retreat, St. Croix, with an assessed value of \$43,400 (“Plot 100”) because this property is no longer “unencumbered” as alleged in the Pledge of Hisham M. Hamed attached as Exhibit A to the Notice of Posting. See Notice of Lis Pendens dated and recorded February 5, 2014 attached as Exhibit A. As this Court concluded in

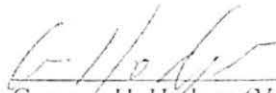
its January 15, 2014 Order at p. 5, “[w]hen proffered assets cause confusion or present uncertainty regarding ‘how much . . . money will remain once the . . . proceedings have concluded,’ these assets are insufficient for the purpose of satisfying an injunction bond” (quoting from Yusuf v. Hamed, Civ. No. 2013-0040, 2013 WL 5429498, at * 9 (V.I. Sept. 30, 2013)).

Because the Notice of Lis Pendens recorded against Parcel 100 causes such confusion and uncertainty, Defendants respectfully submit that Parcel 100 cannot serve as adequate security for the injunction bond and that Plaintiff must be required to immediately post cash or other security already determined by this Court to provide adequate security.

DUDLEY, TOPPER and FEUERZEIG, LLP

Dated: February 11, 2014

By:



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and

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Attorneys for Fathi Yusuf and United Corporation

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CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED THAT a true and exact copy of the foregoing RESPONSE TO MOTION TO SUBSTITUTE ADDITIONAL BOND AND OBJECTION TO ADEQUACY OF PROPOSED BOND was served via electronic mail on this the 11th day of February, 2014 to:

Joel H. Holt, Esq.
Law Office of Joel H. Holt
2132 Company Street
Christiansted, USVI 00820
Email: holtvi@aol.com

Carl J. Hartmann III, Esq.
5000 Estate Coakley Bay
Unit L-6
Christiansted, USVI 00820
Email: carl@carlhartmann.com

A handwritten signature in black ink, appearing to read 'Carl J. Hartmann III', is written over a solid horizontal line.

EXHIBIT

B

Notice of Lis Pendens

4393
2480336
The Walker Legal Group

Doc# 2014000411

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:

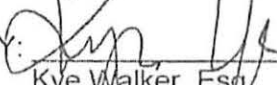
PLEASE TAKE NOTICE that an action has been commenced, pursuant to the above caption, and it is now being litigated by Plaintiff HODA FATHI YUSUF HAMED against Defendant HISHAM MOHAMMED HAMED. The object of the suit, among other things, concerns the division of the marital homestead with regard to the 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
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Doc# 2014000411
Book: 1361
Pages: 16
Filed & Recorded
02/05/2014 3:16PM
ALTHEA R. PEDRO
RECORDER OF DEEDS
ST. CROIX
RECORDING FEE \$
PER PAGE FEE \$
25.00
1.00




The Walker Legal Group
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Suite 16AB
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