

MISC. APP.189/09 2009 U. NO.7  
IN THE HIGH COURT OF SIERRA LEONE  
(COMMERCIAL AND ADMIRALTY DIVISION)  
IN THE MATTER OF THE CONVEYANCING ACT 1881  
AND

IN THE MATTER OF A DEED OF MORTGAGE BETWEEN MORRAY  
SAMA BANYA AND UNION TRUST BANK LIMITED

BETWEEN:

UNION TRUST BANK LIMITED

AND

MORRAY SAMA BANYA

T/A GIANT ENTERPRISES &

AMBALLAH ENTERPRISES

DEFENDANT

PLAINTIFF

BEFORE THE HONOURABLE MRS. JUSTICE A. SHOWERS (J)

DATED THE 3<sup>RD</sup> DAY OF MARCH 2010

UPON READING the Originating Summons dated the 5<sup>th</sup> day of June 2009 on behalf of the Plaintiff and the affidavits in support of the said Summons together with the exhibits attached thereto and the affidavit in opposition as well as the exhibits attached thereto and UPON HEARING Y. H. Williams esq., of Counsel for the Plaintiff herein and V.S Nabie esq., of Counsel for Defendant herein IT IS THIS DAY ORDERED as follows::

1. That the Mortgagor herein Morray Sama Banya pay to the Plaintiff Bank all monies due to the Plaintiff bank under the respective covenants in a Deed of Mortgage dated 23<sup>rd</sup> day of April 2003 made between the parties herein and registered as No. 4/ 2003 in Volume 74 at page 99 of the Record Books of Mortgages kept in the Office of the Registrar General Freetown for the payment of the following:
  - a. The sum of Le.96,279,524.85 comprising the principal sum and interest at the rate of 35% per annum from April 2009 till payment in regard to an overdraft facility granted to Amballah Enterprises by the Plaintiff.
  - b. The sum of Le.156, 642, 475.70 comprising the principal sum and interest at the rate of 35% per annum from April 2009 till payment in regard to an overdraft facility granted to Giant Enterprises by the Plaintiff.
2. That the said Defendant is given a period of 90 days within which to repay the sums stated in Order 1(a) and (b) respectively herein.

3. That in the event the Defendant fails to pay the said monies within the stipulated period the Plaintiff is at liberty to enforce the said Mortgage by sale.
4. That the said Defendant is thereupon to deliver up possession to the Plaintiff the mortgaged property situate at No.2 Babadorie Hills Off Spur Road, Lumley Freetown
5. No order as to costs.

BY THE COURT

A handwritten signature in blue ink, appearing to be 'A. Samuel', is written over the printed title.

MASTER AND REGISTRAR

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-

DEFENDANT

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ORDER

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YADA WILLIAMS & ASSOCIATES

7 WALPOLE STREET

FREETOWN

SOLICITORS FOR THE PLAINTIFF