

**COMMONWEALTH OF THE BAHAMAS**

**IN THE SUPREME COURT**

**Common Law and Equity Side**

**Com/Bnk/00031/2015**

**IN THE MATTER of the Bankruptcy Act Chapter 6, Statue Laws of the Bahamas**

**Re: RICHARD L. BOODLE**

**Ex Parte REBECCA VALREJEAN**

**(A Judgement Creditor)**

**Before: The Honourable Mr. Justice Gregory Hilton**

**Appearances: Kahlil Parker along with Robertha Quant for  
Judgement Creditor**

**Carlton Martin for Judgement Debtor**

**Richard L. Bootle**

**Hearing Dates: 20<sup>th</sup> and 23<sup>rd</sup> January 2017, 17<sup>th</sup> February 2017**

**8<sup>th</sup> November 2017, 23<sup>rd</sup> May 2018, 26<sup>th</sup> July 2018**

**And 18<sup>th</sup> January 2019**

**RULING**

1. ON THE 8<sup>TH</sup> June 2016 this court gave an Order of Adjudication adjudging Richard L. Boodle a bankrupt and constituted the Registrar of The Supreme Court as Trustee in Bankruptcy pursuant to and in accordance with section 15 (1) of the Bankruptcy Act.
2. The Judgement Debtor filed a notice of Motion on 1<sup>st</sup> July 2016 and an Affidavit on 27<sup>th</sup> September 2016 and an Amended Notice of Motion 22<sup>nd</sup> May 2017 seeking to have the Order of Adjudication annulled or set aside on the basis that the Judgement Debtor was not served with the Petition and Originating process preliminary documents prior to the grant of the Default Judgement dated 2<sup>nd</sup> February 2015 and prior to the hearing of the Bankruptcy proceedings which resulted in the Order of Adjudication of 8<sup>th</sup> June 2016.
3. Notwithstanding that the Notice of Motion was filed after the Order of Adjudication was perfected and filed the court, accepting that in ordinary circumstances, it was functus officio, nevertheless determined to hear the judgement debtor on the issue of service (as he is a counsel and Attorney and officer of the Supreme Court).
4. On 8<sup>th</sup> November 2017 the court heard sworn testimony of the Judgement Debtor to the effect that he was not served with the debtor summons nor Amended Bankruptcy Petition nor the Notice of Hearing of the Bankruptcy Petition.
5. The Judgement Debtor swore that the only document he was served with was the Order of Adjudication.
6. Police Sargeant Eric Burrows gave sworn testimony that he served the Judgement Debtor with both the Amended Petition and the Notice of Hearing and produced as an exhibit to his Affidavits filed on 7<sup>th</sup> November 2016 and 14<sup>th</sup> July 2017 photographs evidencing his service of the Judgement Debtor.

7. Reserve Police Officer Charles Gibson gave sworn testimony that he served the Judgement Debtor with the Debtors Summons and the Petitioner's Affidavit and the Amended Petition.
8. The evidence of both police process servers was not shaken under cross examination and I find that the photographs exhibited to the Affidavit of Sargeant Eric Burrows particularly convincing as to the date and place of service of the Judgement Debtor.
9. The only issue before me in this ruling is whether or not the Judgement Debtor was served.  
I find as a fact that he was served despite his averments that he was not; And as such I cannot accede to any of the reliefs sought in the Notice of Motion (Amended).
10. The Order of Adjudication remains and I will award costs to the Judgement creditor for these proceedings to be taxed if not agreed.

Dated the 5<sup>th</sup> day of February A.D. 2019

The Hon. Mr. Justice Gregory Hilton