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ROYAL COURT  
(Samedi Division)

23rd April, 1997

75.

Before: F.C. Hamon, Esq., Deputy Bailiff, and  
Jurats Rumfitt and Quérée.

Application of Frank Mahood to raise an *Ordre Provisoire* obtained against him by Barry Shelton on 21st April, 1997.

Advocate D.C. Sowden for the Applicant.  
Mr. Barry Shelton in person.  
The Viscount.

JUDGMENT

5 THE DEPUTY BAILIFF: We are not convinced that the affidavit has failed to show candour. It little becomes Mr. Mahood - and I am sorry to have to say this - to complain of an affidavit being misleading when he swears, in his own affidavit, that all the furniture and effects at Everton Farm are owned jointly by himself and his wife, after telling the Viscount's Officers this morning that the effects at Everton Farm are owned solely by his wife.-

10 The Viscount has assured us that he will take into his custody only the 'Jaguar' car and the shares in the two companies, Town Park Hotel Limited and F D and G Properties Limited, but nothing will affect the running of the hotel, the running of the coach company, nor, of course, the family life at Everton Farm.

15 We cannot see that the *Ordre Provisoire* was obtained improperly although there appear to be matters in dispute. Mr. Shelton might well have introduced these matters into his affidavit, but he is clearly due a substantial sum of money under the agreement and no attempt has been made to repay even part of  
20 it to him.

We are going to allow the order to stand pending the next procedural steps.

Authorities

T.S. Engineering -v- Bisson (12th January, 1995) Jersey  
Unreported.