

**IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
COMMERCIAL DIVISION
A.D – 2019**

Filed on: 5/02/2020
12:09 am/pt
Registrar
COMMERCIAL DIVISION OF THE
HIGH COURT, ACCRA

SUIT NO. CM/BFS/0302/2020

AGRICULTURAL DEVELOPMENT BANK
FINANCIAL CENTRE
RIDGE-ACCRA.

PLAINTIFF

VRS.

1. KINGDOM PREMIUM FRUITS LIMITED
2. DR. FELIX KWAME. SEMAVOR
ADRHU HOUSE, SAKAMAN – ACCRA
(and on whom Plaintiff shall direct service)

DEFENDANTS

**NOTICE OF MOTION
APPLICATION FOR JUDGMENT IN DEFAULT OF DEFENSE
ORDER 13 RULE 1 OF C.I 47**

PLEASE TAKE NOTICE that this honourable court will be moved onday of February, 2020 at 9 O'clock in the forenoon or so soon thereafter, as Counsel for the Plaintiff-Applicant herein may be heard on an Application for Judgment in Default of Defense jointly and severally against the Defendants herein, and for any further order or orders as the court may deem meet.

AGRICULTURAL DEVELOPMENT BANK LTD.
MONITORING AND RECOVERIES DIVISION

VIDA AGYEKUM ACHEAMPONG, ESQ
HEAD, LEGAL SUPPORT UNIT
SOLICITOR FOR THE PLAINTIFF

NO. OF SOLICITOR'S LICENSE: GAR 00815/20

THE REGISTRAR
HIGH COURT, COMMERCIAL DIVISION
ACCRA

AND FOR SERVICE ON THE ABOVE NAMED DEFENDANTS OR THEIR SOLICITOR,
WALLACE BRUCE-CATHLINE, ESQ. OF MINKAH-PREMOH & CO. AKOSOMBO CHAMBERS,
NO. 3 EMMAUSE 2ND CLOSE, LABONE, ACCRA

IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
COMMERCIAL DIVISION
A.D – 2019

Filed on 5/02/2020
12:05 am/pm
Registrar
COMMERCIAL DIVISION OF THE
HIGH COURT, ACCRA

SUIT NO.CM/BFS/0302/2020

AGRICULTURAL DEVELOPMENT BANK
FINANCIAL CENTRE
RIDGE-ACCRA.

PLAINTIFF

VRS.

1. KINGDOM PREMIUM FRUITS LIMITED
2. DR. FELIX KWAME. SEMAVOR
ADRHO HOUSE, SAKAMAN – ACCRA
(and on whom Plaintiff shall direct service)

DEFENDANTS

AFFIDAVIT OF KOFI TWENEBOA KODUA IN SUPPORT OF MOTION FOR JUDGMENT IN
DEFAULT OF DEFENSE

I, KOFI TWENEBOA KODUA of 3rd Ambassadorial Development Area, Ridge, Accra hereby make oath and say, as follows:

1. I am the deponent hereto and a Paralegal Officer of the Plaintiff/Applicant bank herein, and on whose authority and consent I depose to this affidavit of facts which have come to my knowledge in the course of my work, unless otherwise stated.
2. That on 5th December, 2019, the Plaintiff-Applicant herein issued a Writ of Summons with Statement of Claim against the Defendants, seeking the following reliefs:
 - i. An order for the recovery of the amounts of :
 - a. GHS 2,104,706.75 being outstanding balance from Facility 1 with interest at the commercial rate from 22nd November, 2019 till date of final payment.
 - b. GHS 8,581,878.65 being outstanding balance from Facility 2 with interest at 12.5% per annum from 22nd November, 2019 till date of final payment
 - c. GHS 1,344,110.76 being outstanding balance from Facility 3 with interest at 12.5 % from 22nd November, 2019 till date of final payment
 - d. GHS 93, 038.11 being outstanding balance from Facility 4 with interest from 22nd November, 2019 till date of final payment

- e. GHS 1,511, 561.88 being outstanding balance from Facility 5 with interest from 22nd November, 2019 till date of final payment
- f. GHS 82,626.11 being the overdrawn balance with interest at the commercial rate from 22nd November, 2019 till date of final payment

Or in the alternative,

ii. An order for the judicial sale of the following securities:

- a. All of Borrower's assets over which it created fixed and floating charge in favour of the Plaintiff-Bank.
- b. The entire Kingdom Premium Fruit Limited (KPF) factory building, plant, machinery and equipment.
- c. Retail bottling line purchased under the lease facility.

iii. Damages for breach of contract; and costs: being costs of and incidental to this suit.

3. On 20th December, 2019, the Defendants entered Conditional Appearance through their solicitor, Wallace Bruce-Cathline, Esq. of Minka-Premo & Co.

4. A search conducted at the Registry of the Court suggests that the Defendants have neither filed any application to set the Writ or service of same aside, neither have they filed a Defense to the suit. See **Exhibit A attached**.

5. I am advised and verily believe same to be true that the bank has become entitled to judgment in default of defense by the said default of the defendants.

WHEREFORE AND IN THE CIRCUMSTANCES, I swear to this affidavit in support of the Application for Judgment in Default of Defense.

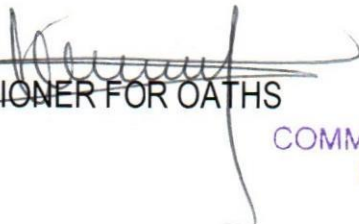
SWORN IN Accra, THIS 25)
DAY OF Feb, 2020 by the said)

KOFI TWENEBOA KODUA)


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DEPONENT

BEFORE ME


COMMISSIONER FOR OATHS

JOHN AHETOH
COMMISSIONER FOR OATHS
P. O. BOX MP 1896
ACCRA

EXH A

IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
COMMERCIAL DIVISION
A.D - 2019

31-01-2020
9:15 am
Registrar
COMMERCIAL DIVISION
SUIT NO.

CM/BFS/0302/2020

AGRICULTURAL DEVELOPMENT BANK
FINANCIAL CENTRE
RIDGE-ACCRA.

PLAINTIFF

VRS.

1. KINGDOM PREMIUM FRUITS LIMITED
2. DR. FELIX KWAME. SEMAVOR
ADRHO HOUSE, SAKAMAN - ACCRA
(and on whom Plaintiff shall direct service)

THIS IS EXHIBIT / DOCUMENT
MARKED A REFERRED TO
THE AFFIDAVITS SWORN AT ACCRA
THIS 5th DAY OF Feb 2020
BY K T KODJIN DEFENDANT'S
BEFORE ME
[Signature]
COMMISSIONER FOR OATHS

SEARCH

PLEASE CONDUCT A SEARCH IN THE REGISTRY OF THE COURT TO ASCERTAIN THE FOLLOWING:

1. WHETHER OR NOT THE DEFENDANTS HAVE FILED A STATEMENT OF DEFENSE? NO
2. IF SO, WHEN? —
3. IF SOD FILED, HAS IT BEEN SERVED ON THE PLAINTIFF? will
4. WHETHER OR NOT ANY OTHER PROCESS HAS BEEN FILED BY THE DEFENDANTS
AFTER THE FILING OF APPEARANCE? NO
5. IF SO, WHAT KIND OF PROCESS? will
6. IF SO, WHEN? —

DATED AT AGRICULTURAL DEVELOPMENT BANK OFFICES (LEGAL SUPPORT UNIT), ACCRA

[Signature]
AGRICULTURAL DEVELOPMENT BANK LTD.
MONITORING AND RECOVERIES DIVISION
VIDA AGYEKUM ACHEAMPONG, ESQ
SOLICITOR FOR THE PLAINTIFF
NO. OF SOLICITOR'S LICENSE: GAB/00815/20
HEAD, LEGAL SUPPORT UNIT

THE REGISTRAR
HIGH COURT, COMMERCIAL DIVISION
ACCRA

31-01-2020
AS at 10:15 am

[Signature]