



DRAWN & PREPARED BY

A handwritten signature in black ink, appearing to read "A. Thompson".

THOMPSON & ASSOCIATES,  
ATTORNEYS-AT-LAW  
DEWSBURY HOUSE, AQUATIC GAP,  
BAY STREET, ST. MICHAEL

**BARBADOS**

No. 770 of 2008

IN THE HIGH COURT OF JUSTICE

CIVIL DIVISION

**IN THE MATTER OF** the Companies Act Cap. 308 of the Laws of Barbados, sections 228, 66, 169, 175 & 231;

**AND IN THE MATTER OF** The Breakers Investment Inc., the company in question;

**IN THE MATTER OF** the application of Everton Leo Cumberbatch for relief under section 228 of the Companies Act, Cap. 308 of the Laws of Barbados;

**AND IN THE MATTER OF** the Rules of the Supreme Court, Cap. 117 of the Laws of Barbados, Order 90, Rules 2 & 6.

BETWEEN:

**EVERTON LEO CUMBERBATCH**

**PLAINTIFF**

AND

**LARRY LESLIE TATEM**

**FIRST DEFENDANT**

**LEROY C. PARRIS**

**SECOND DEFENDANT**

**THE BREAKERS INVESTMENT INC.**

**THIRD DEFENDANT**

**AFFIDAVIT IN RESPONSE**

I, **LEROY COLERIDGE PARRIS** of 'Tranquility', Dayrell's Heights in the parish of Saint Michael in this Island hereby **MAKE OATH AND SAY** as follows:

1. That I have read a copy of the Affidavit in Support of Originating Summons filed in the Supreme Court Registry on the 9<sup>th</sup> day of May 2008,

on behalf of the Plaintiff (hereinafter referred to as "the Affidavit") and I make this Affidavit in Response thereto.

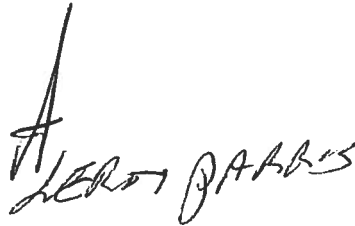
2. That the facts and matters hereinafter deposed to by me are within my personal knowledge true and correct except where otherwise expressly stated, in which event they are true to the best of my information and belief.
3. I make no admissions as to the contents of paragraphs 1 to 71 inclusive of the Affidavit.
4. That I make no admissions with respect to paragraph 72 of the Affidavit. Further and/or in the alternative, I contend that by an oral agreement concluded on or about the 19<sup>th</sup> day of January 2007, between myself, the First Defendant herein and Sir Richard Lionel Cheltenham acting as agents and/or servants of the Third Defendant herein, I agreed to invest the sum of one half million dollars United States of America currency (US\$500,000.00) into the Third Defendant which had been incorporated for the purpose of acquiring a parcel of land situate at Fairy Valley in the parish of Christ Church in this Island.
5. On or about the 2<sup>nd</sup> day of February 2007, I received correspondence from Sir Richard Lionel Cheltenham confirming the terms of the agreement entered into between myself, the First Defendant and Sir Richard Lionel Cheltenham, whereby I was to receive twenty-five percent (25%) of the shareholding in the Third Defendant in consideration of my investment of US\$500,000.00 into the Third Defendant. Hereto annexed and marked "**Exhibit L. P. 1**" is a true copy of said correspondence.
6. With respect to paragraph 74 of the Affidavit, I state that while I had invested the stated sums into the Third Defendant, I was never issued with any shares. Further, by way of a letter drafted by my Attorneys-at-Law, Messrs. Thompson & Associates, I requested of Sir Richard Lionel Cheltenham the return of my investment made into the Third Defendant.
7. Despite my requests, however, the sums invested in the Third Defendant have yet to be returned and as such I instructed my Attorneys-at-Law to commence Supreme Court Suit No. 341 of 2008 by way of a Writ and Statement of Claim filed on the 3<sup>rd</sup> day of March 2008, against The Breakers Investment Inc., Sir Richard Cheltenham and Larry Leslie Tatem,

so as to recover my investment.

8. That I make no admissions as to paragraphs 75 to 77 inclusive of the Affidavit.
9. I make no admissions as to paragraph 78 of the Affidavit and further state that at the material times, Mr. David Thompson was not the Prime Minister of Barbados, and that additionally, I did not at any point indicate to any persons, that I could facilitate the granting of town planning permission through Mr. David Thompson nor have such permission refused by any means at all.
10. I make no admissions as to paragraphs 79 to 101 inclusive of the Affidavit.
11. Paragraph 102 is admitted to the extent that I did not wish to have any involvement or business dealings with the Plaintiff due to our prior history, however, by the 6<sup>th</sup> day of May 2008, I had long since expressed my desire to have no further dealings with the affairs of the Third Defendant.
12. With respect to paragraph 103 of the Affidavit I restate that by this time I sought to have no further interaction with the Third Defendant or the conduct of its affairs, and had sought to have my initial investment, which was intended to finance the Third Defendant, returned.
13. That I make no further admissions with respect to paragraphs 104 to 108 of the Affidavit.
14. With respect to the Plaintiff's Application I state that I am not now, nor have I ever been in possession of any minutes concerning the details of meetings held by the Third Defendant or any other corporate documents thereof, and I am, therefore, not in a position to produce same.

15. That with respect to the Plaintiff's Application I further state that I wish to have no further involvement with the Third Defendant and desire only the return of my investment in the Third Defendant as claimed for in Supreme Court Suit No. 341 of 2008.

**SWORN TO** by the deponent the )  
said **LEROY COLERIDGE PARRIS** )  
at the Law Courts, Coleridge Street, )  
Bridgetown on the 4<sup>th</sup> day of )  
June 2008. )



Before me:

Chicaves

Legal Assistant (aq)

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**THE BREAKERS INVESTMENT INC.**


**THIRD DEFENDANT**

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**EXHIBIT PAGE**

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Hereto annexed is a true copy of the document referred to at paragraph 5 of this Affidavit In Response.

  
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Legal Assistant (aa)

"Exhibit L.P. 1"

*Dr. The Hon. Sir Richard L. Cheltenham, K.A., Q.C., Ph.D.*

**Barrister-at-Law & Attorney-at-Law**

In association with:  
**Simons Muirhead & Burton**  
**Solicitors.**  
**London, England.**

Charlton House, Whitepark Road, Bridgetown, Barbados  
Tel: (246) 430-8951 430-8961 Fax: (246) 431-0143  
e-mail: rcheltenham@caribsurf.com

February 2<sup>nd</sup>, 2007

Mr. Leroy Parris,  
Lower Estate,  
St. George.

Dear Mr. Parris,

**Re: The intending purchase of 32 acres of land situate at  
Fairy Valley/Paragon, Christ Church from Seawell Resorts  
Ltd by The Breakers Investment Inc.,**

I act for the recently formed company – The Breakers Investment Inc. Its address for service is Charlton House, Whitepark Road, Bridgetown.

The Company has been established to purchase a lot of land of some thirty-two (32) acres situate at Fairy Valley/Paragon in the parish of Christ Church in this island. The total cost for the purchase of the land is BDS\$6 million or US\$3 million.

In return for your contributing half million US dollars or US\$500,000.00 to the acquisition of the asset, you will be given, as agreed at the meeting held at your home on January 19<sup>th</sup> last (R. Cheltenham/L. Tatem/L. Parris), twenty-five (25%) per cent shareholding in the Company which will have as its sole asset the said thirty-two acres of land.

As soon as the transaction is complete, a meeting of the five (5) persons who have contributed to the purchase of the land will be summoned and important issues discussed and agreed upon including the issuance of the share certificates.

Please regard this as formal recognition of your role in contributing to the purchase of the land and of the agreed percentage of 25% of the asset which your half million US will give you.

Please ignore and destroy the letter of February 1<sup>st</sup>, 2007 which inaccurately stated your percentage entitlement.

Yours faithfully,

  
.....  
Sir Richard L. Cheltenham, K.A., Q.C., Ph.D.

c: Mr. Larry Tatem

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**THOMPSON & ASSOCIATES**  
**Attorneys-at-Law**