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Haymans,
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BARBADOS

COURT OF APPEAL

ON APPEAL FROM CLAIM NO. CIV0284/2023

IN THE SUPREME COURT OF BARBADOS

IN THE COURT OF APPEAL

BETWEEN

**LAMBCHOP PROPERTIES, LLC
RMJE PROPERTIES, LLC**

**FIRST CLAIMANT/INTENDED RESPONDENT
SECOND CLAIMANT/ INTENDED RESPONDENT**

AND

**APES HILL CLUB HOMEOWNERS ASSOCIATION INC.
CHRISTOPHER ANTHONY AUDAIN
SUNIL CHATRANI
RODDY JAMES CARR
APES HILL (BARBADOS) INC.
GARDEN WALL VILLA ASSOCIATION INC.**

**FIRST DEFENDANT
SECOND DEFENDANT
THIRD DEFENDANT
FOURTH DEFENDANT
FIFTH DEFENDANT/INTENDED APPELLANT
SIXTH DEFENDANT**

AFFIDAVIT IN SUPPORT OF APPLICATION FOR LEAVE TO APPEAL

I, **SUNIL CHATRANI** of 9 Wildey Ave, Fort Gerge Heights in the parish of Saint Michael in this Island
MAKE OATH AND SAY AS FOLLOWS:

1. I am a Director of the Fifth Defendant and I am authorised to make this Affidavit on its behalf.
2. I am enabled to make this Affidavit from matters within my personal knowledge. Insofar as the facts and matters deposed to herein are within my knowledge, they are true and correct. Insofar as the facts and matters deposed to in this Affidavit are not within my personal knowledge they are to the

best of my knowledge, information and belief having been derived during the course of my duties and from documents and records which I have seen and verily believe to be authentic.

3. I am aware that on the 6th day of March, 2026, the First, Second, Third and Fourth Defendants made an informal application pursuant to the guidelines set out in Ward v. Walsh [2015] CCJ 14 for the Learned Trial Judge to recuse himself from hearing this matter.
4. On the said 6th day of March, 2026 the Learned Trial Judge advised the First, Second, Third and Fourth Defendants that their application for recusal should be made formally and supported by an affidavit.
5. On the 19th day of March, 2026, the First, Second, Third and Fourth Defendants made a formal application for the recusal of the Learned Trial Judge which was supported by affidavit.
6. At the first hearing of the aforementioned application for recusal the Learned Trial Judge suggested that the facts and matters as stated in the affidavit in support of the said application should be supported by excerpts from the transcripts of the audio recordings of the proceedings and that the same could be obtained from the Clerk of the Court.
7. On the 29th day of April, 2026 the First, Second, Third and Fourth Defendants filed an amended application for recusal and affidavit in support of the same which included transcripts of the relevant proceedings.
8. The hearing of the amended application for recusal was concluded on the 8th day of May, 2026 and the Learned Trial Judge indicated that he would give his decision on the 18th day of May, 2026.
9. On the 18th day of May, 2026, the Clerk of the Court advised the parties that the matter had been rescheduled to the 22nd day of May, 2026. On the 22nd day of May, 2026, the Clerk of the Court advised the parties that the Learned Trial Judge was unwell and that a decision would be rendered on the 27th day of May, 2026.
10. On the said 22nd day of May, 2026, counsel for the Fifth Defendant, Ms. Ruan C. Martinez emailed the Clerk of the Court to advise the Court that counsel for the Fifth Defendant was unable to attend the hearing on the 27th day of May, 2026 due to prior professional commitments. No response was received from the Clerk of the Court to the email sent by counsel for the Fifth Defendant. A copy of the email dated the 22nd day of May, 2026 is annexed hereto and marked Exhibit "**SC 1**".

11. On the 27th day of May, 2026, the Learned Trial Judge delivered his oral decision via zoom and promised to render a written decision soonest. I am advised that the oral decision rendered by the Learned Trial Judge was not detailed and did not provide reasons for the decision of the Learned Trial Judge.
12. On the 19th day of June, 2026, the Learned Trial Judge delivered his written decision which contained reasons for his decisions. Upon review of the said written decision by counsel for the Fifth Defendant, I was advised that it was noted that at paragraph [1] of the said decision the Learned Trial Judge stated as follows:

“[1] This is the Court’s judgment on the amended application by the First, Second, Third and Fifth Defendants for my recusal from the further hearing and determination of these proceedings.”
13. I am advised by counsel for the Fifth Defendant that the Learned Trial Judge made orders in the following terms:

“1. The amended application by the First, Second, Third and Fifth Defendants for the recusal of the trial judge is dismissed.

.....

3. The First, Second, Third and Fifth Defendants shall pay the Claimants’ costs of the amended recusal application, to be assessed, if not agreed.”
14. I have been advised by counsel for the Fifth Defendant/Intended Appellant that the amended recusal application was an application of the First, Second, Third and Fourth Defendants. A copy of the amended recusal application is hereto annexed and marked Exhibit “**SC 2**”.
15. I have been further advised by counsel for the Fifth Defendant/Intended Appellant that as the Fifth Defendant/Intended Appellant was not a party to the amended recusal application it should not have been listed or referred to as a party to the said application.
16. Counsel for the Fifth Defendant/Intended Appellant has also advised me that as the Fifth Defendant /Intended Appellant was not a party to the amended recusal application, the Fifth Defendant/Intended Appellant should not be liable for the costs of the Claimants in relation to the said application or any costs whatsoever.

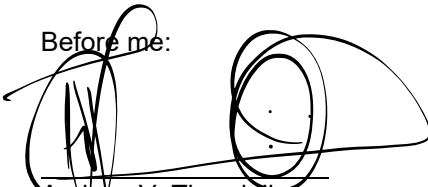
17. The Fifth Defendant/Intended Appellant is adversely affected by the decision of the Learned Trial Judge as there is an adverse financial consequence to the Fifth Defendant/Intended Appellant in circumstances where the Fifth Defendant/Intended Appellant made no application or amended application for the recusal of the Learned Trial Judge.
18. Counsel for the Fifth Defendant/Intended Appellant has advised the Fifth Defendant/Intended Appellant on the grounds on which the Application for Leave to Appeal the Learned Trial Judge's decision is grounded. The said grounds are set out in the Draft Notice of Appeal which accompanies this application.
19. The Fifth Defendant/Intended Appellant has been advised by its counsel and verily believes that these grounds establish that if permitted the appeal against the decision of the Learned Trial Judge at first instance has a real prospect of success.
20. I make this affidavit in support of the Application for Leave to Appeal and the request for relief contained therein.

SWORN To by the deponent the
said **SUNIL CHATRANI** at
Warrens, St. Michael
on the 9th day of July, 2026

)
)
)
)

S. Chatra.

Before me:



Andrew V. Thornhill
Attorney-at-Law



BARBADOS

COURT OF APPEAL

ON APPEAL FROM CLAIM No. CIV0284/2023

IN THE SUPREME COURT OF BARBADOS

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BETWEEN

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**FIRST CLAIMANT/INTENDED RESPONDENT
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**APES HILL CLUB HOMEOWNERS ASSOCIATION INC.
CHRISTOPHER ANTHONY AUDAIN
SUNIL CHATRANI
RODDY JAMES CARR
APES HILL (BARBADOS) INC.
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**FIRST DEFENDANT
SECOND DEFENDANT
THIRD DEFENDANT
FOURTH DEFENDANT
FIFTH DEFENDANT/INTENDED APPELLANT
SIXTH DEFENDANT**

EXHIBITS

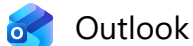
Attached are copies of the exhibits referred to in the Affidavit of Mr. Sunil Chatrani dated the 9th day of July, 2026.

Dated the 9th day of July, 2026

A handwritten signature in black ink, appearing to be 'Andrew V. Thornhill', written over a horizontal line.

Andrew V. Thornhill
Attorney-at-Law

“SC 1”



Re: CIV0284/2023 Lambchop Properties LLC v Apes Hill Club Homeowners Association Inc. et al

From Ruan Martinez <rmartinez@bmcoattorneys.com>

Date Fri 5/22/2026 9:06 AM

To SuzetteK. Foster <SuzetteK.Foster@barbados.gov.bb>; Roger C. Forde <rcforde@gmail.com>; Garth Patterson <Garth.Patterson@bb.lexcaribbean.com>; Akeem Rowe <akeem.rowe@bb.lexcaribbean.com>; Malcolm W.E. Deane <mwd_manco@caribsurf.com>; Akeelia Richards <akeelia.richards@bb.lexcaribbean.com>

Dear Ms. Foster,

I refer to your email below and to the amended date of hearing.

Mr. Deane and I are unable to attend the hearing as we have meetings with clients from overseas. Please note that the meetings have been scheduled since January 2026 and as the clients are travelling to Barbados for the meetings it is impossible to reschedule the same at this late juncture.

Regards,



Ruan Martinez (Ms)

Partner

Email: rmartinez@bmcoattorneys.com

Tel. 1-246-626-0114

Fax 1-246-626-0112

Morgan House, Haymans, St. Peter, BB26023, Barbados

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From: SuzetteK. Foster <SuzetteK.Foster@barbados.gov.bb>

Sent: Friday, May 22, 2026 8:49 AM

To: Roger C. Forde <rcforde@gmail.com>; Garth Patterson <Garth.Patterson@bb.lexcaribbean.com>; Akeem Rowe <akeem.rowe@bb.lexcaribbean.com>; Ruan Martinez <rmartinez@bmcoattorneys.com>; Malcolm W.E. Deane <mwd_manco@caribsurf.com>; Akeelia Richards <akeelia.richards@bb.lexcaribbean.com>

Subject: Fw: CIV0284/2023 Lambchop Properties LLC v Apes Hill Club Homeowners Association Inc. et al

Good Morning Counsel,

Please be advised that Justice Weekes is unwell and advised that this hearing will be re-scheduled to **Wednesday May 27, 2026 at 9:45 a.m. via Zoom.**

The Court apologies for any inconvenience caused.

Kindly note the below link for access to the hearing.

Join Zoom Meeting

<https://us06web.zoom.us/j/87671651224?pwd=DNv3pOR1j2vO0c46uZmEdKX9rQGv6a.1>

Meeting chat link

<https://us06web.zoom.us/launch/jc/87671651224>

Meeting ID: 876 7165 1224

Passcode: 625641

Regards

Ms. Suzette Foster

Legal Assistant

Supreme Court of Barbados

Tel: (246) 535-9754

Email: Suzettek.foster@barbados.gov.b

From: SuzetteK. Foster

Sent: Monday, May 18, 2026 8:36 AM

To: Roger C. Forde; Akeem Rowe; Garth Patterson; Ruan Martinez; Malcolm W.E. Deane; Akeelia Richards

Subject: Re: CIV0284/2023 Lambchop Properties LLC v Apes Hill Club Homeowners Association Inc. et al

Good Morning Counsel,

I am directed by the Hon Mr. Justice Bryan Weekes to inform you that this hearing will be re-scheduled to **Friday May 22, 2026 at 11:00 a.m. via Zoom.**

You may join by using the link sent earlier today.

Any inconvenience caused is regretted.

Kind Regards

Ms. Suzette Foster

Legal Assistant

Supreme Court of Barbados

Tel: (246) 535-9754

Email: Suzettek.foster@barbados.gov.b

From: SuzetteK. Foster

Sent: Monday, May 18, 2026 7:55:54 AM

To: Roger C. Forde; Akeem Rowe; Garth Patterson; Ruan Martinez; Malcolm W.E. Deane; Akeelia Richards

Subject: CIV0284/2023 Lambchop Properties LLC v Apes Hill Club Homeowners Association Inc. et al

Good Morning Counsel,

Please see the below link for access to the hearing on Monday May 18, 2026 at 11:00 a.m. via Zoom.

Join Zoom Meeting

<https://us06web.zoom.us/j/89402574771?pwd=8DeRZpCH1hdq9dfmDjGrZzZiFraWsu.1>

Meeting chat link

<https://us06web.zoom.us/launch/jc/89402574771>

Meeting ID: 894 0257 4771

Passcode: 754241

Kind Regards

Ms. Suzette Foster

Legal Assistant

Supreme Court of Barbados

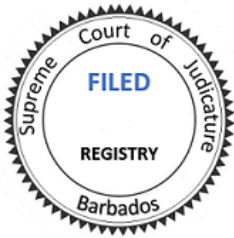
Tel: (246) 535-9754

Email: Suzettek.foster@barbados.gov.b

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“SC 2”



Filing Attorney: *Roger C Forde, KC*
Ground Floor
Carrington & Sealy Complex
Belmont House
Belmont Road
St Michael
Telephone #: 426-0410

Email Address: rcforde@gmail.com



CLAIM No. CIV0284/2023

**IN THE SUPREME COURT OF BARBADOS
 HIGH COURT OF JUSTICE**

IN THE MATTER OF Apes Hill Club
 Homeowners Association Inc.

AND IN THE MATTER OF Section 228 of the
 Companies Act, Chapter 308 of the Laws
 of Barbados

BETWEEN

LAMBCHOP PROPERTIES, LLC
RMJE PROPERTIES, LLC

FIRST CLAIMANT
SECOND CLAIMANT

AND

APES HILL CLUB HOMEOWNERS ASSOCIATION INC.
CHRISTOPHER ANTHONY AUDAIN
SUNIL CHATRANI
RODDY JAMES CARR
APES HILL (BARBADOS) INC.
GARDEN WALL VILLA ASSOCIATION INC.

FIRST DEFENDANT
SECOND DEFENDANT
THIRD DEFENDANT
FOURTH DEFENDANT
FIFTH DEFENDANT
SIXTH DEFENDANT

**AMENDED NOTICE OF APPLICATION FOR RECUSAL OF THE HONOURABLE JUSTICE
 BRYAN WEEKES, JUDGE OF THE HIGH COURT PART 11 OF THE SUPREME
 COURT (CIVIL PROCEDURE) RULES, 2008 ~~PURSUANT TO PART 39.6 OF THE SUPREME
 COURT (CIVIL PROCEDURE) RULES, 2008~~**

The First, Second, Third and Fourth Defendants jointly and/or severally apply to the Court pursuant to **Part 11 of the Supreme Court (Civil Procedure) Rules, 2008 and the inherent**

Jurisdiction of the Court ~~Part 39.6 of the Supreme Court (Civil Procedure) Rules, 2008~~
(the “Rules”) for the following orders:

1. That the Honourable Justice Bryan Weekes, Judge of the High Court do recuse himself from hearing and determining the Claim contained in the Fixed Date Claim Form filed herein on the 12th day of April 2023 and that this matter be listed for hearing before another Judge of the High Court;
2. That the costs of this Application be costs in the cause.

A draft of the Order sought is attached.

An Affidavit filed in support of the Application is attached hereto.

The Grounds of the Application are as follows:

1. On the 12th day of April 2023 the Claimants filed a Fixed Date Claim and thereby sought Orders against the First to Fifth Defendants for:
 - i. A declaration that the current Board of Directors of the First Defendant is invalid and that all its actions since February 3, 2020, are void.
 - ii. A declaration that the amended Association Rules made on June 29, 2021, are invalid, and that the 2006 Rules are the applicable rules.
 - iii. An order compelling the First Defendant to hold a meeting within 60 days to elect new directors.
 - iv. A declaration that the Board cannot compel members to join the Apes Hill Club (operated by the Fifth Defendant).
 - v. A declaration that the Board cannot grant exemptions from fees to members (including the Fifth Defendant).

- vi. A declaration that the Second, Third, and Fourth Defendants breached their director duties.
- vii. An order compelling the First Defendant to produce an accounting of its finances from February 3, 2020, to the present (within 60 days).
- viii. An order compelling the First Defendant to produce its register of members (within 7 days).
- ix. An order restraining the Second, Third, and Fourth Defendants from acting contrary to the Association's Articles or By-Laws.
- x. An order compelling the Fifth Defendant to convey the "Common Property" land to the First Defendant.
- xi. An order directing the First, Second, Third, and Fourth Defendants to comply with the Association's constating documents.

The Claimants also sought the following Orders against the Fifth and Sixth Defendants

- i. A declaration that the current Board of the Sixth Defendant is invalid and that its actions since February 3, 2020, are void.
- ii. An order compelling the Sixth Defendant to hold a meeting to elect new directors.
- iii. A declaration that any steps taken towards dissolving the Sixth Defendant are invalid.
- iv. An order compelling the Sixth Defendant to produce an accounting of its finances (from February 3, 2020, to present).
- v. An order compelling the Sixth Defendant to produce its register of members

- vi. An order compelling the Sixth Defendant to produce a full account of all monies paid by members since incorporation.
- vii. An order restraining the Sixth Defendant from acting contrary to its Articles or By-Laws.
- viii. An order compelling the Fifth Defendant to convey the "Common Property" land of the Garden Wall Phase to the Sixth Defendant.

The Claimants further sought the following Orders against all Defendants, jointly and severally:

- i. Damages.
 - ii. Interest on damages.
 - iii. Costs.
 - iv. Interest on costs.
 - v. Further or other relief.
2. The said Fixed Date Claim Form was supported by an Affidavit filed on the 12th day of April 2023.
3. On the 27th day of September 2023 the Third Defendant filed an Affidavit in Response to the said claim and denied liability.
4. On the 28th day of September 2023 the Second Defendant filed an Affidavit in Response to the said claim and denied liability.
5. The First, Second, Third and Fourth Defendants contend that an objective and fair-minded **lay observer** fully informed of the facts **and matters as set out in the Affidavits of the Third Defendant** would conclude that there was a **real possibility** of bias **and/or that there was bias** in the following circumstances:

- i. On the commencement of the trial on the 13th day of October, 2025 the Learned Trial Judge invited Mr. Paul Lamb to sit at the bar table in circumstances where he is a party to proceedings and not acting as legal counsel.
- ii. On the hearing on the 15th day of October 2025 the Learned Trial Judge stated that we can all benefit from the experience of Mr. Lamb in Developments in circumstances where (a) Mr. Lamb was not providing evidence as an expert in Developments in Barbados or elsewhere (b) Mr. Lamb had not been cross-examined on his experience(s) in Developments and (c) although Mr. Lamb conceded he had no experience in Developments such as Apes Hill.
- iii. On the hearing on the 17th day of October, 2025 the Learned Trial Judge assisted Mr. Paul Lamb to his seat, allowed Mr. Paul Lamb to sit next to him and assisted him in finding documents.
- iv. On the 4th day of March 2026 and upon the hearing of the Application for an adjournment on the grounds that the Second Defendant, Mr. Anthony Audain was ill, the Learned Trial Judge stated that Mr. Lamb would be prejudiced by an adjournment. ~~The said statement by the Learned Trial Judge was made~~ in circumstances where (a) the Claimants filed no Affidavit in Response to the Affidavit filed in support of the said Application for an adjournment; (b) the Attorney-at-Law for the Claimants had made no submissions with respect to prejudice to Mr. Lamb by the adjournment; and (c) the Attorney-at-Law for the Claimant made no submissions whatsoever in respect of the said Application
- v. That upon the hearing of the said Application on the 4th day of March 2026 the Learned Trial Judge in making his determination to dismiss the Application placed more emphasis upon the travel plans of Mr Lamb which

were not included in any Affidavit in Response to the Affidavit filed in support of the Application.

- vi. That upon hearing of the said Application on the 4th day of March 2026 the Learned Trial Judge rather than allowing counsel for the Claimant to make submissions in response to the said Application, the Learned Trial Judge proceeded to analyse the said Application and made a decision not to grant an adjournment.
- vii. That on the hearing on the 6th day March 2026 in respect of the Application for Recusal the Learned Trial Judge defended his decision made on the 4th day of March 2026 as mentioned in 5(vi) above on the ground that a Trial Judge is entitled to dismiss an application which he considers to be baseless without hearing the parties and that he so did on the 4th day of March 2026. The Learned Trial Judge emphasised that he was not obliged to hear Mr. Patterson, S.C.
- viii. That on the said 4th day of March 2026 having dismissed the said Application for an adjournment the Learned Trial Judge refused to grant leave to Appeal and /or a Stay of Proceedings in circumstances where at the time no application for stay had been made. The Learned Trial Judge pre-empted the application for a stay by saying there will be no stay prior to hearing any application for a stay.
- ix. That on the 4th day of March 2026 having dismissed the said Application for an adjournment the Learned Trial Judge stated that he wished the Counsel for the First, Second, Third and Fourth Defendant good luck in his application for leave to appeal the decision to dismiss the application for an adjournment of the hearing.

- x. Further, on the 4th day of March 2026 having made the decision to dismiss the Application for an adjournment the Learned Trial Judge made the following comment directed to Mr Patterson “I am sorry for stealing your thunder” in circumstances where Mr. Patterson made no submissions resisting the Application.
- xi. Also, on the 4th day of March 2026 the Learned Trial Judge stated that “Mr. Audain’s health was in a precarious state at that point in time, made every effort to make sure that the dates were available to all counsel.” In circumstances where the dates of the trial were set at hearing held on December 8th, 2025 at which time counsel for the First, Second, Third and Fourth Defendants was not present, the Learned Trial Judge was informed that it could not be confirmed with certainty that the Second Defendant would be deemed medically fit to attend the trial of the matter.
- xii. On the said hearing on the 4th day of March, 2026 the Learned Trial Judge also stated that the Second Defendant’s ability to return to work would not necessarily mean that he was healthy enough or well enough to withstand a cross examination by eminent counsel such as Mr. Patterson, S.C. The Judge has made several comments regarding the amount of monies invested by persons who purchased lots in the Apes Hill Club development which investments the Court needs to ensure is protected, in particular the Claimants and others but no acknowledgment was given to the significant and substantial financial investment by the Fifth Defendant in saving the bankrupt Apes Hill Club development.
- xiii. On the said hearing on the 4th day of March, 2026 the Learned Trial Judge stated that “Now where this matter gets more ticklish is that Mr. Audan is also a named defendant in his personal capacity. Now in that regard the Court has to be a bit more circumspect because Mr. Audain has every right to led evidence in his own defence in the circumstances. However, even,

the medical record such as it is that was appended to Mr. Chatrani's affidavit while Mr. Audain I think it is fair to say may be well enough in May to return to work, I am not certain that Mr. Audain has been cleared to give evidence and withstand the rigors of High Court examination from eminent counsel such as Mr. Patterson, right. So the Court is confronted with the situation where Mr. Audain through no fault of his own, his health, may very well be that if the Court adjourns the matter on the basis of his health situation that there is no guarantee that he is going to be fit and ready if the Court were to adjourn the matter... The Court, the rules I am sure you know and the provisions of the Evidence Act provide the Court with avenues to ensure as best as it can in circumstances such as these that any prejudice that may be done to Mr. Audain and any of the other defendants as well be mitigated and to the Claimants."

- xiv. That on the said 4th day of March 2026 the Learned Trial Judge stated that the First Defendant ought to have appointed someone to act in the event that the Second Defendant had died. The Learned Trial Judge also indicated that he was surprised that the First Defendant did not appoint someone else to replace the Second Defendant as the First Defendant's chairman or director for the purposes of the action. The said statements made by the Trial Judge were made in circumstances where the Learned Trial Judge knew or ought to have known that the he First Defendant had no authority to replace the Second Defendant who is also being sued in his personal capacity in that the appointment of a director of the First Defendant is premised upon whether or not the Turnover Date has passed. The Claimants contend that it has passed, and the Defendant contend that it has not passed. The issue of the Turnover Date is a matter to be determined at trial and as such for the First Defendant to seek to replace the Second Defendant as a Director the First Defendant would be prejudging the issue to be determined at trial.

6. Given the facts and matters stated in paragraph 5 above an objective and fair-minded **lay observer** fully informed of the facts would conclude that there was a real possibility of bias.
7. That on the 6th day of March 2026 and on no other previous occasion the Learned Trial Judge advised the parties that he had previously acted for C.O. Williams Construction Ltd as an Attorney-at-Law in circumstances where
- a.) A primary issue to be determined by the Learned Trial Judge in this matter is the "Turnover Date" which is defined by Clause 1.1(k) of the By-Laws of Apes Hill to mean "the date on which the Developer completes the sale of the last residential lot in the Development"
 - b.) In respect of the said issue the Claimants contend that the said Turnover Date has passed and did pass by the Conveyance dated the 3rd day of February, 2020 of Republic Bank (Barbados) Limited to the Fifth Defendant.
 - c.) The First, Second, Third, Fourth and Fifth Defendant contend that the Turnover Date has not yet passed in that the last lot has not yet been sold.
 - d.) In the event that the Court determines the issue in favour of the Claimants then that determination would relieve C.O. Williams Construction Ltd from liability to convey common property to the First and Sixth Defendants or pay damages.
8. Given the facts and matters stated in paragraph 7 above an objective and fair-minded **lay observer** fully informed of the facts would conclude that there was actual bias.

Dated this 29th day of April, 2026



Roger C. Forde, KC
Attorney-at-Law for the First, Second, Third and Fourth Defendants

I, **SUNIL CHATRANI** of 9 Wildey Ave, Fort George Heights in the parish of Saint Michael in this Island certify that all facts set out in this Application are true to the best of my knowledge, information and belief.

Dated this 29th day of April, 2026



SUNIL CHATRANI

NOTICE

This Application will be heard by [the Judge in Chambers/Master] on the day of , 2026 at am/pm, as the time and date for the hearing of this Application. You or your representative must attend that hearing, unless the Court dispenses with your attendance, or order may be made against you in your absence.

OR

The {Judge in Chambers/Master} will deal with this Application by:

NB: This Notice of Application must be served as quickly as possible on the Respondent to the Application.

The Registry is located at the Supreme Court Complex, Whitepark Road, St. Michael, Telephone number 246-426-3461, FAX number (246)426-2405. The office is open to the public between 8:15 a.m. and 3:30 p.m. Monday to Fridays except on public holidays.

This Application is filed by Roger C. Forde, KC., Attorney-at-Law for the First, Second, Third and Fourth Defendants of and whose address for service is Ground Floor, Carrington & Sealy Complex, Belmont House, Belmont Road, St. Michael

Filing Attorney: Roger C Forde, KC
Ground Floor
Carrington & Sealy
Complex
Belmont House
Belmont Road
St Michael
Telephone #: 426-0410
Email Address: rcforde@gmail.com



CLAIM No. CIV0284/2023

**IN THE SUPREME COURT OF BARBADOS
HIGH COURT OF JUSTICE**

IN THE MATTER OF Apes Hill Club
Homeowners Association Inc.

AND IN THE MATTER OF Section
228 of the Companies Act,
Chapter 308 of the Laws of
Barbados

BETWEEN

**LAMBCHOP PROPERTIES, LLC
RMJE PROPERTIES, LLC**

**FIRST CLAIMANT
SECOND CLAIMANT**

AND

**APES HILL CLUB HOMEOWNERS ASSOCIATION INC.
CHRISTOPHER ANTHONY AUDAIN
SUNIL CHATRANI
RODDY JAMES CARR
APES HILL (BARBADOS) INC.
GARDEN WALL VILLA ASSOCIATION INC.**

**FIRST DEFENDANT
SECOND DEFENDANT
THIRD DEFENDANT
FOURTH DEFENDANT
FIFTH DEFENDANT
SIXTH DEFENDANT**

DRAFT ORDER

BEFORE: The Honourable Justice Bryan L. Weekes, Judge of the High Court

DATED:

ENTERED:

UPON READING the application of the First, Second, Third and Fourth Defendants together with the Affidavit filed in support thereof filed herein on the day of March, 2026;

AND UPON HEARING Mr. Roger C. Forde, K.C. in association with Ms. Trish L. Bryan, Attorneys-at-Law for the First, Second, Third and Fourth Defendants and Mr. Malcolm Deane in association with Ms. Ruan Martinez Attorneys-at-Law for the Fifth Defendant; and Mr. Garth Patterson, S.C. Attorney-at-Law for the Claimants;

AND UPON the matter coming on for hearing;

IT IS ORDERED THAT:

1. That the Honourable Justice Bryan Weekes, Judge of the High Court do recuse himself from hearing and determining the Claim contained in the fixed Date Claim Form filed herein.
2. That the trial set down for hearing on May 08, 2026 be adjourned to a date to be fixed;

Dated this day of , 2026.

By the Court

Registrar

CLAIM No.

CIV0284/2023

**IN THE SUPREME COURT OF BARBADOS
HIGH COURT OF JUSTICE**

IN THE MATTER OF Apes Hill
Club Homeowners Association
Inc.

AND IN THE MATTER OF Section
228 of the Companies Act,
Chapter 308 of the Laws of
Barbados

BETWEEN

LAMBCHOP PROPERTIES, LLC

RMJE PROPERTIES, LLC

CHARLES WILLIAM PATTISON

YVONNE LANKRY

FIRST CLAIMANT

SECOND CLAIMANT

THIRD CLAIMANT

FOURTH CLAIMANT

AND

APES HILL CLUB HOMEOWNERS ASSOCIATION INC.

CHRISTOPHER ANTHONY AUDAIN

SUNIL CHATRANI

RODDY JAMES CARR

APES HILL (BARBADOS) INC.

GARDEN WALL VILLA ASSOCIATION INC.

FIRST DEFENDANT

SECOND DEFENDANT

THIRD DEFENDANT

FOURTH DEFENDANT

FIFTH DEFENDANT

SIXTH DEFENDANT

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DRAFT ORDER

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Roger C Forde, K.C

Attorney-at-Law for the First, Second, Third and Fourth Defendants

CLAIM No.

CIV0284/2023

IN THE SUPREME COURT OF BARBADOS

HIGH COURT OF JUSTICE

IN THE MATTER OF Apes Hill
Club Homeowners Association
Inc.

AND IN THE MATTER OF Section
228 of the Companies Act,
Chapter 308 of the Laws of
Barbados

BETWEEN

LAMBCHOP PROPERTIES, LLC

RMJE PROPERTIES, LLC

CHARLES WILLIAM PATTISON

YVONNE LANKRY

FIRST CLAIMANT

SECOND CLAIMANT

THIRD CLAIMANT

FOURTH CLAIMANT

AND

APES HILL CLUB HOMEOWNERS ASSOCIATION INC.

CHRISTOPHER ANTHONY AUDAIN

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RODDY JAMES CARR

APES HILL (BARBADOS) INC.

GARDEN WALL VILLA ASSOCIATION INC.

FIRST DEFENDANT

SECOND DEFENDANT

THIRD DEFENDANT

FOURTH DEFENDANT

FIFTH DEFENDANT

SIXTH DEFENDANT

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AMENDED NOTICE OF APPLICATION FOR RECUSAL OF THE HONOURABLE JUSTICE
BRYAN WEEKES, JUDGE OF THE HIGH COURT PART 11 OF THE SUPREME
COURT (CIVIL PROCEDURE) RULES, 2008 PURSUANT TO PART 39.6 OF THE SUPREME
COURT (CIVIL PROCEDURE) RULES, 2008

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Roger C Forde, K.C
Attorney-at-Law for the First, Second, Third and Fourth Defendant

BARBADOS

COURT OF APPEAL

ON APPEAL FROM CLAIM NO. CIV0284/2023

IN THE SUPREME COURT OF JUDICATURE

IN THE COURT OF APPEAL

BETWEEN

**LAMBCHOP PROPERTIES LLC
RMJE PROPERTIES LLC**

**FIRST CLAIMANT/INTENDED RESPONDENT
SECOND CLAIMANT/ INTENDED RESPONDENT**

AND

**APES HILL CLUB HOMEOWNERS ASSOCIATION INC.
CHRISTOPHER ANTHONY AUDAIN
SUNIL CHATRANI
RODDY JAMES CARR
APES HILL (BARBADOS) INC.
GARDEN WALL VILLA ASSOCIATION INC.**

**FIRST DEFENDANT
SECOND DEFENDANT
THIRD DEFENDANT
FOURTH DEFENDANT
FIFTH DEFENDANT/INTENDED APPELLANT
SIXTH DEFENDANT**

AFFIDAVIT IN SUPPORT OF APPLICATION FOR LEAVE TO APPEAL

BM + Co.
ATTORNEYS-AT-LAW
