

**IN THE MATTER OF THE REGISTERED LAND ACT, CAP. 229 OF THE LAWS OF
THE VIRGIN ISLANDS**

AND

**IN THE MATTER OF LUDWELL MCCREIGHTON ARCHER SR. AND
URSULA LAWRENCE-ARCHER
AND REPUBLIC BANK (BVI) LIMITED**

NOTICE IS HEREBY given that in exercise of the power of sale conferred on the Chargee by the Registered land Act, Cap. 229 of the Laws of the Virgin islands and in right of the said power vested in REPUBLIC BANK (BVI) LIMITED, the Chargee by virtue of a certain Charge of the undermentioned land created by **LUDWELL MCCREIGHTON ARCHER SR. AND URSULA LAWRENCE-ARCHER** as Chargors and REPUBLIC BANK (BVI) LIMITED as Chargee and registered in the Land Register of the Virgin Islands as an encumbrance in the register relating to the said land, REPUBLIC BANK (BVI) LIMITED will put up for sale by public auction at the office of McW. Todman & Co., Main Street, Road Town, Tortola, British Virgin Islands on **Wednesday the 19th day of March, 2025 at 3:00 p.m.** the undermentioned parcel of land together with any improvements standing thereon with the upset price set at \$488,000.00.

ALL THAT piece of parcel of land together with the dwelling house thereon situate at Long Trench, Tortola, British Virgin Islands containing 0.2657 of an acre and described in the Land Register of the Virgin Islands as Parcel #106 Lot G of Block #2939B of the East Central Registration Section.

Interested persons are asked to submit a sealed offer or provide a written notice confirming interest in the property and an intention to bid at the time of the Auction anytime up to 4:00 p.m. on 18th March, 2025 to the office of McW. Todman & Co.

Notwithstanding anything contained in this notice or in any agreement or otherwise The Bank shall not be obligated to sell to the highest or any bidder at the said auction.

A BID OR SEALED OFFER WHICH IS ACCEPTED BY THE BANK IS BINDING ON THE BIDDER AND THE BANK MAY BRING LEGAL PROCEEDINGS AGAINST THE BIDDER TO ENFORCE THE AGREEMENT.

Further particulars may be obtained on application to McW. Todman & Co. at Mail@mctodman.com, Telephone No. (284) 494 2810.

Dated the 18th February, 2025.

Sgd: *McW. TODMAN & Co.*
McW. TODMAN & CO.
ATTORNEYS for
REPUBLIC BANK (BVI) LIMITED

RB. 16

9th October, 2024

The Editor
The BVI Beacon
10 Russell Hill Road
Road Town, Tortola
BRITISH VIRGIN ISLANDS

Dear Sir/Madame:

We enclose herewith a Notice of Sale to be advertised in your newspaper for two consecutive weeks.

We ask that the Notice be placed in normal size print in the usual box format.

Thanks for your usual cooperation.

Yours sincerely,

McW. TODMAN & CO.

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:dl

Encl.

RB. 16

9th October, 2024

The Editor
Sun Enterprises (B.V.I.) Ltd.
P.O. Box 21, Road Town
Tortola
BRITISH VIRGIN ISLANDS

Dear Sir/Madame:

We enclose herewith a Notice of Sale to be advertised in your newspaper for two consecutive weeks.

We ask that the Notice be placed in normal size print in the usual box format.

Thanks for your usual cooperation.

Yours sincerely,

.....
:dl

Encl.
INVOICE

B.4

9th October, 2024
REPUBLIC BANK (BVI) LIMITED
IN ACCOUNT WITH
McW. TODMAN & CO.

DEFAULTER - LUDWELL MCCREIGHTON ARCHER SR. AND
URSULA LAWRENCE-ARCHER

RE: EAST CENTRAL REGISTRATION SECTION
BLOCK #2939B - PARCEL #106 - Lot G

Professional Fees:

Taking instructions and
effecting advertisement in
Newspapers and online in
October - November 2024 \$500.00

Disbursements

Advertising charges for
Island Sun Newspaper, \$1,000.00
Along with Title Search
And other miscellaneous

TOTAL AMOUNT DUE \$1,500.00

.....
McW. TODMAN & CO.

RB. 16

9th October, 2024
Ms. Cindy Williams
Cross Border Adjustor
Republic Bank (BVI) Limited
P.O. Box 434
Road Town
TORTOLA

D. M. Williams

Dear Ms. Williams,

**RE: LUDWELL MCCREIGHTON ARCHER SR. AND URSULA LAWRENCE-ARCHER -
BLOCK #2939B - PARCEL #106
WEST CENTRAL REGISTRATION SECTION**

We refer to the matter at caption.

Please find enclosed a copy of the invoice in relation to the advertisement of the Notice of Sale of the property mentioned at caption and the advertisement for the newspapers. The said advertisement would also be online for two weeks.

Your kind attention is obliged.

Yours sincerely,
McW. TODMAN & CO.

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Encls.

AUCTION

REPUBLIC BANK (BVI) LIMITED v LUDWELL MCCREIGHTON ARCHER SR. AND
URSULA LAWRENCE-ARCHER and by
Instrument No. 1761/2006 made between LUDWELL MCCREIGHTON ARCHER SR. AND
URSULA LAWRENCE-ARCHER
of P.O. Box 4185, Road Town, Tortola, British Virgin Islands as **Chargor** and REPUBLIC BANK
(BVI) LIMITED as **Chargee**.

PARTICULARS AND CONDITIONS OF SALE

The Auction is scheduled for 3:00 p.m. on Wednesday the 6th November, 2024 at the Conference Room at the offices of McW. Todman & Co.

**McW. Todman & Co.
Barristers & Solicitors
McNamara Chambers
3rd Floor
116 Main Street
P.O. Box 3342
Road Town, Tortola
BRITISH VIRGIN ISLANDS**

AUCTION

REGISTRATION SECTION

BLOCK NO.

PARCEL NO.

EAST CENTRAL

#2939B

#106

DESCRIPTION: The subject property comprises a parcel of land with an area of approximately 0.2657 of an acre or 11,574 sq. ft. consisting of a two-storey residential dwelling with 2nr 3-bedroom units.

The building has a gross floor area of approximately 3,077 sq. ft. including covered porches/entry area measuring approximately 351 sq. ft. The building also has an uncovered terrace measuring approximately 462 sq. ft. The ground floor is 1,204 sq. ft. and the upper floor is 1,522 sq. ft.

The residence was constructed around 1990 and is in fairly good condition and has a reasonable standard of finishes internally. The property has an unpaved driveway, unpaved parking areas, reinforced concrete retaining wall, covered parking area, storeroom, laundry room and tropical landscaping.

The building has the following accommodations:- for the ground floor, it has three bedrooms, two bathrooms, kitchen/dining /living room and covered porches and covered entry with a cistern comprising approximately 45,000 gallons are located at this level.

The upper floor has three bedrooms, one bathroom, kitchen/dining/living room, laundry room, family room, office/study and covered entry porches

Interested persons are asked to submit a sealed offer or provide a written notice confirming interest in the property and an intention to bid at the time of the Auction anytime up to 3:00 p.m. on 6th November, 2024 to the office of McW Todman & Co.

Notwithstanding anything contained in this notice or in any agreement or otherwise The Chargor shall not be obligated to sell to the highest or any bidder at the said auction.

A BID OR SEALED OFFER WHICH IS ACCEPTED BY THE COMPANY IS BINDING ON THE BIDDER AND THE CHARGOR MAY BRING LEGAL PROCEEDINGS AGAINST THE BIDDER TO ENFORCE THE AGREEMENT.

Further particulars may be obtained on application to McW. Todman & Co. at mail@mctodman.com, telephone (284) 494 2810.

STANDARD CONDITIONS OF SALE OF REAL PROPERTY BY PUBLIC AUCTION

Reserve Price

1. Unless otherwise stated, the sale is subject to a reserve price for the property and REPUBLIC BANK (BVI) LIMITED reserves the right to bid it or through his agents at the auction.

Sealed Bids

2. An offer in writing to purchase any property which is the subject of the auction must clearly set out the following particulars: (i) the parcel and block numbers and the registration section of the property on which the offer is made, (ii) the amount being offered for the purchase of the property and, (iii) the name, address and contact information or telephone number of the person making the offer.

Regulation of Bidding

3. REPUBLIC BANK (BVI) LIMITED reserves the right to regulate the bidding and to refuse in its sole absolute discretion to accept any bid or bids without giving any reason for such refusal.

Disputes as to Bids

4. In the case of any dispute as to any bid, REPUBLIC BANK (BVI) LIMITED may forthwith determine the dispute or put up the property again at the last undisputed bid or withdraw the property.

Minimum Bids

5. No person may advance less at a bid than a sum to be named from time to time by REPUBLIC BANK (BVI) LIMITED.

Highest Bidder

6. Subject to a reserve price and these conditions the highest bidder for each property shall be the Purchaser of that property.

Separate Lots

7. REPUBLIC BANK (BVI) LIMITED reserves the right to sell in separate lots if the whole is unsold or sold in one lot where individual lots are offered.

Alterations and Additions to Particulars and Conditions of Sale

8. REPUBLIC BANK (BVI) LIMITED reserves the right to alter or add to these Particulars and Conditions of Sale at any time prior to the sale.

Memorandum of Sale

9. Immediately following the sale of the property, the Purchaser of that property shall sign a Memorandum of Sale and supply his address to REPUBLIC BANK (BVI) LIMITED. In the event of his failure to do so, REPUBLIC BANK (BVI) LIMITED may sign on his behalf.

Personal Liability of Purchaser

10. Each Purchaser shall be deemed to be personally liable on making an accepted bid even though he purports to act as agent for a principal so that both are jointly and severally liable under the contract.

Deposit

11. Within 24 hours following the sale of each property, the Purchaser shall pay a deposit of 10% of the purchase price to the Solicitors for REPUBLIC BANK (BVI) LIMITED. In case a Purchaser fails to pay a deposit as above or any cheque given as a deposit is dishonoured upon presentation then, without notice, REPUBLIC BANK (BVI) LIMITED shall have the right to deem the conduct of such Purchaser as a repudiation of the contract and REPUBLIC BANK (BVI) LIMITED may resell without notice and/or take such steps as are available to it as a consequence of a Purchaser's breach but without prejudice to any claim he may have against the Purchaser for breach of contract or otherwise.

12. REPUBLIC BANK (BVI) LIMITED reserves the right to hold the Memorandum of Sale signed by them, on behalf of the vendor, until the Purchaser's cheque for the deposit has been cleared.

Forfeiture of Deposit

13. If the purchase shall not be completed for any reason within the time specified in paragraph, 15 except the default of REPUBLIC BANK (BVI) LIMITED, the Purchaser will forfeit the deposit and the deposit will become the property of REPUBLIC BANK (BVI) LIMITED.

Taxes

14. The Purchaser shall be responsible for the payment of outstanding land taxes and other outgoing relating to the Property (if any) and for which REPUBLIC BANK (BVI) LIMITED or registered proprietor was responsible.

Completion (a)

15. Completion shall take place at the offices of McW. Todman & Co, 116 Main Street, Road Town, Tortola, British Virgin Islands within ninety (90) days from the date of the sale or at such earlier date as may be mutually agreed in writing by REPUBLIC BANK (BVI) LIMITED and the Purchaser.

Completion (b)

16. On completion the Purchaser shall pay the balance of the purchase price to the Solicitors for the Vendor by certified cheque or a banker's draft and the Vendor will execute an Instrument of Transfer in favour of the Purchaser in the form set out in the draft Transfer annexed to these Conditions.

Possession

17. The Purchaser shall be let into possession subject to the claims of tenants and occupiers (if any) upon payment of the full amount of the purchase money, interest (if any) and costs.

Responsibility of the Bank and its Solicitors (a)

18. REPUBLIC BANK (BVI) LIMITED is the holder of a charge over the property subject to the auction and is selling the property, as charge, in exercise of the power of sale conferred on it by the said charge made in the years 2011 and 2012.

Responsibility of the Bank and its Solicitors (b)

19. McW. Todman & Co. (sometimes hereinafter referred to as "McW. Todman") represents REPUBLIC BANK (BVI) LIMITED as Legal Counsel and Solicitors and McW. Todman does not maintain any lawyer/client relationship in the sale of the property to the Purchaser or any Purchaser and McW. Todman does not owe any Purchaser a duty of care in relation to the sale. No Lawyer/client relationship shall arise as a result of any communication between McW. Todman and any Purchaser.

Statements made in the Particulars

20. All statements made in the Particulars or otherwise relating to any property the subject of the auction is made without responsibility on the part of REPUBLIC BANK (BVI) LIMITED or its Solicitors. No such statement may be relied upon as a statement or representative of fact. An intending Purchaser must satisfy himself by inspection or otherwise as to the correctness of any such statement and neither REPUBLIC BANK (BVI) LIMITED nor its Solicitors nor any person in their employment has any authority to make or give any representation or warranty whatever in relation to any property the subject of the auction.

Inspections

21. The property is being sold "as is". It is the responsibility of the Purchaser to personally inspect or cause to be inspected the property subject to the auction. The Purchaser shall be responsible for obtaining for his benefit all searches, inspections and reports including but not limited to title searches and appraisal reports, in relation to the property. The Purchaser shall pay for all such searches, inspection and reports undertaken or prepared on his behalf.

Independent Legal Representation

22. The Purchaser shall obtain independent legal representation to conduct on his behalf all due diligence searches and enquiries as are usual and appropriate to the sale and purchase of real property.

REPUBLIC BANK (BVI) LIMITED's Premises

23. Every person on the REPUBLIC BANK (BVI) LIMITED's premises before, during or

after the sale shall be deemed to be there at his own risk and with notice of the condition of the premises and their contents. Such person shall have no claim against the auctioneers in respect of any injury sustained or any accident which may occur from any cause whatsoever.

Costs (a)

24. REPUBLIC BANK (BVI) LIMITED and the Purchaser shall bear their own legal costs incidental to the purchase of any property.

Cost (b)

25. Stamp Duties and Registration Fees incidental to the purchase of any property shall be borne by the Purchaser.

Interpretation

26. The clause headings do not form part of these Conditions of Sale and shall not be taken into account in its construction or interpretation.

RB. 17

October 9, 2024

Ms. Cindy Williams
Teller Service Officer
Republic Bank (BVI) Limited
P.O. Box 434
Road Town, Tortola
BRITISH VIRGIN ISLANDS

Dear Ms. Williams:

**RE: LUDWELL MCCREIGHTON ARCHER SR. AND
URSULA LAWRENCE-ARCHER**

**Report on Title: WEST CENTRAL Registration Section
Block: #2939B - Parcel: #106**

With reference to your letter of September 20, 2024 the Land Register was searched and the subsisting entries relating to the above-mentioned parcel were found to be as follows:

PROPERTY

Area 0.2657 of an acre

Appurtenances Nil

Title Private/Absolute

PROPRIETORSHIP

Registered Proprietors Ludwell McCreighton Archer Sr. and Ursula Lawrence-Archer of
P.O. Box 4185, Road Town, Tortola, British Virgin
Islands as joint proprietors

Ms. Cindy Williams

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October 9, 2024

ENCUMBRANCES

Entry No. 1 **Adjudication Record dated the 27th day of November, 1973**

EASEMENT - 12ft. Right of Way in favour of Block 2939B Parcel 33 from Public Road

Entry No. 2 **Inst. 1520/1991 dated the 17th day of October, 1991**

EASEMENT - Gives a non-exclusive 24ft Right of Way to Parcel 73. See Inst. 1520/1991 for details

Entry Nos. 16 & 17 **Inst. #1761/2006 dated the 6th day of July, 2006**

SECOND CHARGE to secure \$270,000.00 repayable the 30th May, 2011 in favour of Scotiabank (BVI) Limited of Road Town, Tortola, British Virgin Islands

There were no applications pending with respect to the parcel, nor any judgement debts recorded against the Registered Proprietor.

Please be advised that the sum of \$3,452.00 is outstanding for tax from 2012 to 2024 in respect of property taxes on property in the British Virgin Islands registered in the names of Ludwell and Ursula Archer.

Subject to the existing Charge, the title is recommended as a good and marketable security.

Yours Sincerely,

McW. TODMAN & CO.

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Ref. No. RB. 16

9th October, 2024

Mr. David Rogers
Hodge's Creek
Tortola
BRITISH VIRGIN ISLANDS

Dear Mr. Rogers:

**RE: FORECLOSURE OF PARCEL #106, BLOCK #2939B
WEST CENTRAL REGISTRATION SECTION ("PARCEL #106")**

We act on behalf of REPUBLIC BANK (BVI) LIMITED ("the Bank").

As you are aware the property has been the subject of public auction on the 18th May, 2022.

We have been instructed to advise, that the Bank, pursuant to its powers of sale under Section 75 of the Registered Land Act ("the Act"), notice of which was duly served upon you, has accepted a purchase offer of Seven Hundred and Twenty Thousand Dollars (US\$720,000.00) at the public auction of the property held on the 18th May, 2022.

Accordingly, we have been further instructed to advise that the Bank requires you to vacate the premises on receipt of this notice so as to be able to complete the sale transaction and thereafter give vacant possession to the purchaser. Please note that you would be expected to remove all your personal effects and belongings and turn over the keys to the Bank by the said date. Please take further note that in the event that you refuse or fail to comply with the above request the Bank would have no alternative but to take legal action to compel you to do so.

In the event that you require further information in the matter we would request that you contact the Bank or visit our Chambers.

Yours sincerely,
McW. TODMAN & CO.

