

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES
BUSINESS LIST (ChD)



BL-2020-000856

DEPUTY MASTER BOWLES
28 JANUARY 2022

BETWEEN:

(1) LENDY LTD (IN ADMINISTRATION)
AND
(2) MARK JOHN WILSON
(3) PHILLIP RODNEY SYKES
(4) DAMIAN WEBB
(IN THEIR CAPACITY AS JOINT ADMINISTRATORS OF LENDY LTD (IN
ADMINISTRATION))

Claimants

-and-

(1) LIAM BROOKE
(2) TIM GORDON
(3) LP ALHAMBRA LIMITED
(4) RFP HOLDINGS LIMITED
(5) BRANKESMERE LIMITED

Defendants

CONSENT ORDER

UPON the Second Defendant seeking the Court's permission to sell the property known as [REDACTED]
[REDACTED] Portsmouth, PO6 [REDACTED] (Title Number [REDACTED]) (the **Property**) and the
Claimants not objecting to the said sale.



AND UPON the Claimants and the Second Defendant having agreed terms (which are set out at Appendix 1 of this Order)

IT IS ORDERED BY CONSENT THAT:

1. The terms of the Zacaroli Order dated 2 June 2020 (as amended on 4 June 2020) and subsequently continued by an Order dated 8 July 2020 be varied as follows:
 - (i) This Order does not prohibit the Second Defendant from exchanging contracts for, and completing the sale of the Property for the purchase price of £255,000.00: and
2. This Order shall be served by the Second Defendant on the Claimant and the Defendants.

Service of the Order

The Court has provided a sealed copy of this Order to the serving party: Dutton Gregory LLP at Concept House, 6 Stoneycroft Rise, Chandler's Ford, Eastleigh, SO53 3LD (Reference: ACW/GOR93/1)

Appendix 1





DATED 24 January 2022

AGREEMENT

(1) LENDY LTD (In Administration)

and

(2) MARK JOHN WILSON

(3) PHILLIP RODNEY SYKES

(4) DAMIAN WEBB

(In their capacity as Joint Administrators of Lendy Ltd (in Administration))

and

TIM GORDON



THIS AGREEMENT is made on **24** January 2022

PARTIES

- (1) Lendy Ltd (in Administration) (Company No. 08244913) whose registered office address is RSM Restructuring Advisory LLP, 9th Floor, 25 Farringdon Street, London, EC4A 4AB (**the Company**)

and

- (2) Mark John Wilson
(3) Phillip Rodney Sykes
(4) Damian Webb
(In their capacity as Joint Administrators of Lendy Ltd (in Administration)) (**the Joint Administrators**)

and

- (1) Tim Alastair Gordon of Ryefields Park, Oakwood, Chichester, PO18 9AL ("**Mr Gordon**")

(together "**the Parties**")

BACKGROUND

- (A) On 2 June 2020 a proprietary and worldwide freezing injunction was granted by Mr Justice Zacaroli against, amongst others, Mr Gordon; the injunction was amended under CPR40.12 on 4 June 2020 and subsequently varied by correspondence ("**the Zacaroli Order**").
- (B) Proceedings were subsequently issued by way of Part 7 Claim Form in proceedings now entitled Lendy Ltd (in Administration) (1), Mark John Wilson (2), Phillip Rodney Sykes (3) and Damian Webb (4) (in their capacity as Joint Administrators of Lendy Ltd (in Administration)) –v- Liam Brooke (1), Tim Gordon (2), LP Alhambra Limited (3), RFP Holdings Limited (4) and Branksmere Limited (5) under Claim No: BL-2020-000856) (the "**Proceedings**"). By way of an Order dated 8 July 2020 the Zacaroli Order was to be continued until trial or further Order of the Court.
- (C) Mr Gordon is the sole owner of the property known as [REDACTED] Portsmouth, [REDACTED] under Title Number [REDACTED] (the "**Property**"). Mr Gordon's interest in the Property was recorded in his Affidavit sworn on 22 June 2020 as part of the Proceedings. Mr Gordon wishes



to sell the Property. The parties to this Agreement have now agreed terms for the sale of the Property as set out below.

(D) The Joint Administrators have, through their solicitors, Pinsent Masons of 30 Crown Place, Earl Street, London, EC2A 4ES (**Pinsent Masons**) agreed to the sale of the Property.

Mr Gordon CONFIRMS and AGREES:

1. Sale of the Property

- 1.1. The Property is the freehold property known as [REDACTED] Portsmouth, [REDACTED] under Title Number [REDACTED]
- 1.2. The owner of the Property is Tim Alastair Gordon of Ryefields Park, Oakwood, Chichester, PO18 9AL a (the **Seller**).
- 1.3. The solicitors acting for the Seller on the sale of the Property are Dutton Gregory LLP, Concept House, 6 Stonecroft Rise, Chandlers Ford, Eastleigh, SO53 3LD (the **Seller's Solicitors**). The Seller's Solicitors also act for Mr Gordon (and others) in the Proceedings. The Sellers Solicitors are authorised to sign this Agreement for and on behalf of Mr Gordon.
- 1.4. The Purchaser of the Property is [REDACTED] of [REDACTED], [REDACTED] Fareham, [REDACTED] (the "**Purchaser**").
- 1.5. The **Purchase Price** is £255,000.00 (Two Hundred and Fifty-Five Thousand pounds).

2. The Parties AGREE as follows:-

- 2.1. That the Property may be sold by the Seller to the Purchaser for the Purchase Price.
- 2.2. That the Seller's Solicitors shall a soon as reasonably practicable and, in any event, within two working days:-
 - 2.2.1. Notify Pinsent Masons when exchange of the contracts for the sale of the Property have taken place and also when legal completion of the sale of the Property is scheduled to take place.
 - 2.2.2. Following the legal completion of the sale of the Property, provide to Pinsent Masons a copy of the signed TR1, a copy of the Completion Statement showing the calculation of the net sale proceeds and sums due to the Seller and evidence that the net sale proceeds of the Property have been transferred to the client account of the Seller's Solicitors.
- 2.3 The net proceeds of the sale of the Property will remain subject to the terms of the Zacaroli Order save that nothing will prohibit Mr Gordon spending some or all of the said net sale proceeds on legal advice and representation in accordance with Paragraph 12 (1) of the Zacaroli Order.



2.4 The Joint Administrators shall, upon receipt by Pinsent Masons from the Seller's Solicitors, of the documents and information in 2.2.1 apply to HM Land Registry for the removal of the restriction on the Property and which is in their favour.

2.5 Pinsent Masons are authorised to sign this Agreement for and on behalf of the Joint Administrators.

SIGNATORIES

Signed:

Pinsent Masons

For and on behalf of the Joint Administrators

Signed:

Dutton Gregory LLP

For and on behalf of Mr Gordon