

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
COMMERCIAL COURT
Before Mr Justice Popplewell
Dated 25 July 2016
B E T W E E N:

Claim no: CL-2016-000419



JSC BTA BANK

Claimant

and

ZHAKSYLYK ZHARIMBETOV

Defendant

ZIAKOVA FINANCE LIMITED

Defendant/Registered Proprietor

The Occupiers (if any) of Flat 10, Unwin Court, Beaumont Close, London N2 0GA (Including, without limitation, "Mrs Leigh")

Defendant

ORDER

On 25 July 2016, Mr Justice Popplewell sitting in the High Court of Justice, Queen's Bench Division, Commercial Court considered the Claimant's claim in these proceedings dated 4 July 2016 and the Claimant's application notice dated 19 July 2016

AND UPON the Claimant being entitled to an equitable charge upon the interest of Zhaksylyk Zharimbetov ("**Mr Zharimbetov**") and Ziakova Finance Limited ("**Ziakova**") in the property known as and situate at Flat 10, Unwin Court, 1 Beaumont Close, London N2 0GA (registered at HM Land Registry under title number AGL208329, the "**Property**") under the final charging order made by Mr Justice Teare on 22 April 2016 in this Court in Claim Numbers 2009 Folio 1099 and 2010 Folio 706

AND UPON hearing Counsel for the Claimant

THE COURT ORDERS THAT:

1. Delivery of the claim form (and associated documentation) in this action to the registered office of Ziakova on 7 July 2016 shall retrospectively be deemed to be good and sufficient service of the same on Mr Zharimbetov.
2. The time period for Ziakova to file an acknowledgement of service shall retrospectively be abridged to 4pm on 22 July 2016.
3. The Property shall be sold without further reference to the Court at a price of not less than £1 million, unless that figure is changed by a further order of the Court.

4. The Claimant's solicitor will have conduct of the sale.
5. To enable the Claimant's solicitor to carry out the sale, there be created and vested in the Claimant pursuant to section 90 of the Law of Property Act 1925 a legal term in the Property of 3,000 years.
6. The Defendants shall deliver vacant possession of the Property to the Claimant on or before 10.00am on 2 August 2016.
7. The Claimant shall apply the proceeds of sale: (i) to pay the costs and expenses of effecting the sale and (ii) (there being no charges or other securities over the Property which have priority over the Claimant's charging order) in partial diminution of the judgment debts owed by Mr Zharimbetov to the Claimant.
8. Mr Zharimbetov shall pay the Claimant's costs of this claim, to be the subject of detailed assessment if not agreed.
9. This Order shall be served on Mr Zharimbetov and Ziakova by delivering the same to the registered office of Ziakova. Insofar as necessary, permission be granted to serve this Order out of the jurisdiction.
10. The Defendants shall have permission to apply to vary or set aside this Order within 14 days of service.