

Mr Justice Flaux (in public)

DATED 9 SEPTEMBER 2016

**B E T W E E N:**

**JSC BTA BANK**

**Claimant /  
Judgment Creditor**

and

**ZHAKSYLYK DAYRABAEVICH ZHARIMBETOV**

**Defendant /  
Judgment Debtor**

and

**SMALAND PROPERTY HOLDINGS INCORPORATED**

**Registered Proprietor**

and

**MR MITUL RACH**

**Occupier**

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**ORDER**

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**UPON** the application of the Claimant dated 11 August 2016 (the "**Application**")

**AND UPON** hearing Counsel for the Claimant and the Defendant and Registered Proprietor not attending or being represented

**AND UPON** reading the evidence filed

**IT IS ORDERED THAT:**

1. The Property (as defined in the recitals to the Order of Mr Justice Burton dated 13 November 2015) shall be sold without further reference to the Court and with no minimum sale price (and paragraph 3 of the said Order shall be varied accordingly).
2. Upon the date of the sale of the Property, the judgment debts owed by Mr Zharimbetov to the Claimant shall be reduced by the higher of: (a) the sale price; or (b) the sum of £3,000,000.
3. This Order shall be served on Mr Zharimbetov by delivery of the same to the registered office of Smaland Property Holdings Incorporated. Insofar as necessary, permission be granted to serve this Order on Mr Zharimbetov out of the jurisdiction.
4. Any application under CPR Part 5.4C(2) shall be made on three (3) clear days' notice to the Claimant.

**IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION  
COMMERCIAL COURT  
Mr Justice Flaux (in public)  
Dated 9 September 2016  
BETWEEN**

**JSC BTA BANK**

**Claimant /  
Judgment Creditor**

and

**ZHAKSYLYK DAYRABAEVICH ZHARIMBETOV**

**Defendant /  
Judgment Debtor**

and

**SMALAND PROPERTY HOLDINGS INCORPORATED**

**Registered Proprietor**

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**ORDER**

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**Solicitors for the Claimant/Judgment Creditor**