

**DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

THEODORE COHEN,

Plaintiff,

v.

ESTATE OF GABRIEL LIONEL,

Defendant.

Civil Action No. 2011-0077

Attorneys:

Eric S. Chancellor, Esq.,

St. Croix, U.S.V.I.

For Plaintiff

Scot F. McChain, Esq.,

St. Croix, U.S.V.I.

For Defendant

Renee D. Dowling, Esq.,

St. Croix, U.S.V.I.

For Purchaser, Mr. Jawad Idheileh

ORDER

UPON CONSIDERATION of the “Motion for Distribution of Proceeds of Foreclosure Sale,” filed on September 7, 2015 by Plaintiff Theodore Cohen (“Cohen”) (Dkt. No. 52); the “Motion and Memorandum of Law to Vacate Sale and Allow Redemption,” filed on September 17, 2015 by Defendant Estate of Gabriel Lionel (the “Estate”); the “Opposition to Notice of Redemption and Certificate of Redemption,” filed on November 20, 2015 by purchaser of the property at the foreclosure sale, Jawad Idheileh (“Idheileh”); the hearing on these motions held on January 15, 2016; the Stipulation filed by the Estate and Idheileh on January 20, 2016 (Dkt. No. 61); the Stipulation filed by Cohen and the Estate on January 22, 2016 (Dkt. No. 62), and for the

reasons set forth in the accompanying Memorandum Opinion filed contemporaneously herewith, it is hereby

ORDERED that the Motion for Distribution of Proceeds of Foreclosure Sale (Dkt. No. 62) is **DENIED AS MOOT**, in view of the Stipulation filed by Cohen and the Estate; and it is further

ORDERED that the Stipulation filed by Cohen and the Estate (Dkt. No. 62) is **ACCEPTED**; and it is further

ORDERED that the Estate's Motion to Vacate the Foreclosure Sale and Marshal's Deed (Dkt. No. 54) is **GRANTED IN PART AND DENIED IN PART**; and it is further

ORDERED that the February 26, 2015 foreclosure sale for the property described as Plot 36-E (0.50 US acre) and Plot 36-F (0.49 US acre) both of Estate La Grande Princesse, Company Quarter, St. Croix, United States Virgin Islands, as more fully shown on OLG Drawing No. D9-5962-C008 dated July 17, 2008, and the accompanying Marshal's Deed issued to Jawad Idheileh, are **VACATED**; and it is further

ORDERED that the Clerk of Court shall disburse forthwith the \$952,403.92 in funds for this case that is in the Court's Registry as follows, which will be available on the date this Order issues:

- (1) \$317,642.34 to Plaintiff Theodore Cohen;
- (2) \$486,833.64 to Purchaser Jawad Idheileh; and
- (3) \$147,927.94 to Defendant Estate of Gabriel Lionel.

SO ORDERED.

Date: March 10, 2016

_____/s/_____
WILMA A. LEWIS
Chief Judge