

WITNESS STATEMENT OF [REDACTED]

1. My name is [REDACTED] and I reside at [REDACTED], Ocho Rios. I am a businessman. I have always operated my business in the name of and through a limited liability company known as [REDACTED].
2. I have been in the food and beverage and tourism business for over 40 years and have been operating the [REDACTED], a hotel and dinner theatre for in excess of 40 years.
3. In 1988, my business place known as the [REDACTED] was severely damaged by hurricane Gilbert. I had been a loyal customer of the National Commercial Bank (NCB) for many years prior to 1988.
4. In 1988 my company ([REDACTED]) I borrowed [REDACTED] to repair the damage caused by the hurricane. The title to property on which my business place was located was used as security for the loan. That title was registered in my name. I have obtained a copy title to that property but it does not reflect the mortgage as the endorsements on it only start in 2003. It appears as if the first title was cancelled and replaced. – **SEE COPY TITLE – “ [REDACTED] 1”**
5. I serviced the loan at **NCB** for several years right up until the time when **FINSAC** took over the management of the bank. By the time of the **FINSAC** takeover, I was in arrears. The rapidly rising interest rates had made it virtually impossible for me to keep up with the payments. I remember a time in the 1990s when interest rates rose to 90%.
6. However, by that time had paid in excess of [REDACTED] on account of the debt.
7. After **FINSAC** took over, I went to a meeting in Kingston. This was a meeting which a member of the Jamaica Tourist Board had arranged on my behalf in an effort to assist me to save my property which was a prime entertainment spot for tourists in Ocho Rios. At the meeting, I was informed that I owed [REDACTED].
8. I tried to urge the **FINSAC** representative to grant me some reprieve as I had by now paid more than three times the amount I had borrowed. This was to no avail. **FINSAC** demanded that I pay [REDACTED] to settle my debt.

9. Faced with the prospect of losing my business place and my business, I went to Capital and Credit Merchant Bank and borrowed [REDACTED]. Of this sum [REDACTED] was paid to FINSAC on account of my debt and [REDACTED] was used to pay bank charges, quantity surveyors, accountants and property taxes.
10. I have very little documentary data as most of my documents were burnt in a fire which took place at my business place in 2004.
11. Upon making the payment of [REDACTED] to FINSAC, I pleaded with them to accept this sum in full and final settlement of my outstanding debt bearing in mind that I would have by now paid over [REDACTED] on account of a principal debt of [REDACTED].
12. FINSAC's representatives insisted that I would have to pay the balance of about [REDACTED] or face the prospect of losing [REDACTED]. I was given two weeks to pay this amount.
13. I told the FINSAC representatives that I could not come up with this sum whereupon they told me that my only option would be to transfer my penthouse apartment at [REDACTED] to FINSAC. I pleaded with them to allow me to keep my apartment and to settle the remainder by paying in monthly installments. They refused to allow this. (In 1985 I bought this apartment for \$[REDACTED]). I had been living in this apartment for **ten** years prior to 2002.
14. My back was now against the wall . I could not afford to lose the complex which was the source of my livelihood. I had no choice but to accede to FINSAC's demand . I transferred the apartment to FINSAC in about 2002 and moved out.
15. At the time of this transfer apartments in that complex were going for between **seven and a half and nine million dollars**.
16. In 2004, FINSAC sold the apartment to a real estate broker for **three million three hundred thousand dollars (\$3.3M)**. By this time, apartments there were being sold for between **10 and 12.5 million dollars**. Mine was a well appointed, penthouse apartment and as such its price would have been at the top of the scale.
17. I have noticed from the endorsements on the title "[REDACTED]" that in January, 2007 the buyer of my apartment secured a mortgage of

ten million dollars on the security of the property . The property was again mortgaged for fourteen million dollars in December, 2007.

18. I feel that I was treated unfairly by FINSAC . I was coerced into giving up my home even after I had paid in excess of 75% of the amount which they claimed I owed.
19. I took advantage of the "window of opportunity" which the government had announced by paying up a large portion of my debt and trying to negotiate with **FINSAC** for a write off with respect to the smaller portion. **FINSAC** did not even regard my genuine efforts to pay up my debt. They demanded that I give up the shelter over my head and then turned around and disposed of it for a fraction of what I owed and a fraction of what it was worth.
20. The transaction whereby I had to give FINSAC my apartment was not an arms length one. I was squeezed into a corner by FINSAC.
21. In addition to investigating the general fairness of FINSAC's dealings with me, I would like for this Commission to take steps to ascertain from FINSAC's records what steps were taken to dispose of my apartment at fair market value.
22. If upon taking the appropriate steps, FINSAC could have/ would have disposed of my apartment for a sum in excess of what I owed, would that institution not be obliged to account to me for the proceeds over and above the sum I owed ?
23. What was the manner of dealing by FINSAC as it relates to the disposal of my asset and those of others. Did they treat these assets as their own to be disposed of cheaply to their friends ?
24. Was FINSAC's dealing with me above reproach ?
25. Other FINSC debtors got write offs of over 98%. . What would have operated to disqualify me for a 25% write off ? What were the qualifying criteria for write offs ?

DATED THE

DAY OF

2011.

LIST OF EXHIBITS

KEITH FOOTE 1 - copy duplicate certificate of title registered at
Volume [REDACTED] folio [REDACTED] (title for [REDACTED])

KEITH FOOTE 2 - copy duplicate certificate of title registered at
Volume [REDACTED] folio [REDACTED] ([REDACTED]).