

1                                   **COMMONWEALTH OF THE BAHAMAS**

2                                   **IN THE COURT OF APPEAL**

3                                   **SCCivApp & CAIS No. 78 of 2012**

4           In the matter of a Consent Order dated 25th May 2010 and filed  
5           on 19th June 2009 in Supreme Court Action  
6           No. 2006/CLE/gen/FP/6

7           And in the matter of an Amended Consent Order dated and filed  
8           on 19th March 2010 in Supreme Court Action  
9           No. 2006/CLE/gen/FP/6

10          And in the matter of the Law of Property and Conveyancing  
11          (Condominium) Act, 1965 and Byelaws set out in the schedule  
12          thereto

13          And in the matter of the Declaration of Condominium of Silver  
14          Point dated the 22nd day of January, A.D., 1968 and recorded  
15          in the Registry of Records in Volume 1264 at pages 226 to 261

16                                   **BETWEEN:**

- 17                                   (1) **JOHANN D. SWART**  
18                                   (2) **WILLIAM S. TAYLOR**  
19                                   (3) **LARRY BISWANGER**  
20                                   (4) **SCOTT MONCRIEFF**

21                                   Respondents/Appellants

22                                   And

23                                   **APOLLON METAXIDES**

24           (In his personal capacity and as a representative of six  
25           others)

                                  Applicant/First Respondent

                                  and

**SILVER POINT CONDOMINIUM APARTMENTS**  
                                  **(A body corporate)**

                                  Second Respondent

(Motion to Clarify/ Vary Previous Order (Costs)  
(Decision Reserved)

1 Before: The Hon Sir Michael Barnett, President  
The Hon Mr Justice Isaacs, JA  
2 The Hon Madam Justice Crane-Scott, JA

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Appearances:

4

Ms Krystal Rolle, QC, with Mr Edwin Knowles, and

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Ms Kendrea Demeritte

Counsel for Applicant/First Appellant

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Mr Frederick Smith, QC, with Mr Dawson Malone, and

Ms Pearline Ingraham-Wood, Counsel for

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Respondents/Appellants

No appearance by or on behalf of Second Respondent

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2 September 2021

1 The oral judgment of the court was delivered by  
2 Sir Michael Barnett, P, Kt:

3 We will take this matter under consideration and we  
4 will let the parties have our views as soon as we are able to  
5 do so.

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8 Dated this 2nd day of September, 2021

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SIR MICHAEL BARNETT, P, KT

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