

PROCEEDINGS

By minutes regularized from the Tribunal Registry of Commerce of PONTOISE dated 3 July 2002, Mister ZANDIAN JAZY Gholam, appealed on the basis of Article 25 of the amended decree of 27th of December 1985, with an order by Judge Commissioner of the judicial liquidation of Mr. ZANDIAN JAZY Gholam dated the 21st of June 2002 on the basis of Article L.622-16 of the Commercial Code on request of Master CANET in his capacity as Judicial Liquidator of Mr. ZANDIAN JAZY Gholam, authorizing the public auction of property at 23 rue Louis Pouey in PUTEAUX (92800) depending on the assets of the aforesaid liquidation,

The appeal is based on reasons stated in the hearing, Following, the BANK MELLI IRAN, as well as the Union of Co-Owners of the DEFENSE 2000 residence in their role as registered creditors, were regularly notified by the Registry of the present proceedings

The matter was discussed at the hearing on the 6th of September 2002, and after reference to the hearing of the 8th of July 2000, Mr. ZANDIAN JAZY Gholam was absent and not represented,

STATEMENT AND CONCLUSIONS OF THE APPLICANT TO THE OPPOSITION

Mr. ZANDIAN JAZY Gholam, represented by SCP HYEST & ASSOCIATES exposes in its pleadings that it is not justified that it is necessary to proceed with the public auction of the property in question, in the state of the active/passive position of its liquidation,

It states in this regard that the MELLI IRAN Bank's debt of an alleged 19 millions francs is without basis,

The applicant also explains that the LLOYD'S bank must justify the deduction of interest on its established claims, calculation is likely to significantly reduce the amount of the liability to be charged,

He added that the debt statement of the company S.A. COMPUTER WORLD is not justified;

Mr. ZANDIAN JAZY Gholam solicits the court to declare that it is not justified to sell the apartment at 23 rue Louis Pouey in PUTEAUX (92800), belonging to him, accordingly reverse the order that authorized Master CANET ex-officio to proceed with the sale;

RESPONSE AND CONCLUSIONS OF MASTER CANET EX-OFFICIO

Master CANET ex-officio, represented by Master GAYRAUD concluded the necessity of the sale of the aforementioned property;

Thus Master CANET ex-officio, concluded in the rejection of the appeal and confirmation of the criticised ordinance in its entirety

RESPONSE AND CONCLUSIONS OF THE UNION OF CO-OWNERS DEFENSE 2000

The UNION OF CO-OWNER DEFENSE 2000, represented by Master RUIMY-CAHEN intends to oppose the claims of Mr. ZANDIAN JAZY Gholam which, according to him are purely dilatory and unfounded ,

The defendant believes that the only way to settle with the creditors is to realise the existing assets and be active partners with Master CANET ex-officio by asking the Court to dismiss Mr. ZANDIAN JAZY Gholam of all of its requests for findings and conclusions,

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RESPONS AND CONCLUSIONS OF THE MELLI IRAN BANK

The MELLI IRAN BANK, represented by Master OTTO and Master BOSQUET concluded that the sale is necessary.

ON WHAT, THE PROCEEDINGS

ON THE MAIN APPLICATION

It follows from the explanations of the parties and the documents produced in the case, notably that Mr. ZANDIAN JAZY Gholam was placed in receivership by judgement of Céans Court on the 3rd of April 1998 ;

By order dated the 21st of June 2002, the Commissioner of the aforementioned proceedings authorized Master CANET ex-officio to continue the public auction of a property located at 23 rue Louis Pouey in Puteaux (92) belonging to Mr. ZANDIAN JAZY Gholam ;

That Mr. ZANDIAN JAZY Gholam formed an appeal against this decision on the basis of Article 25 of the amended Decree of the 27th of December 1985 ,

The applicant indicates that the estimated liabilities of the liquidation may vary sharply ;

That the defendants do not put forth any arguments to challenge the validity of this analysis,

The passive situation of the debtor is not clearly established, Consequently, it does not seem justified, at that date, to sell the property belonging to Mr. ZANDIAN JAZY Gholam, 23 rue Louis Pouey in Puteaux (92),

It is therefore appropriate to set aside the order dates 21st of June 2002 authorizing the sale of real estate ;

ON COSTS

It is appropriate to order the use of privileged fees in collective proceedings.

FOR THESE REASONS

The Court, having deliberated in accordance with the law, publicly rule, by contradictory judgement and as a last resort,

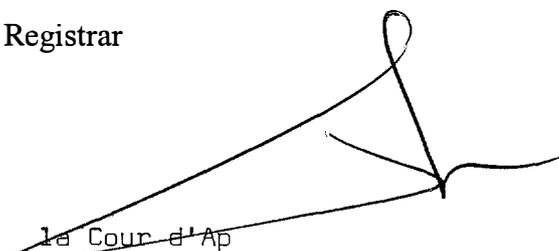
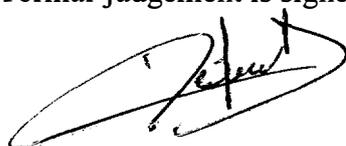
Declare Mr. ZANDIAN JAZY Gholas Déclare Monsieur ZANDIAN JAZY prima facie and well founded in his appeal against the order dated the 21st of June 2002,

Said there were no grounds for the sale of the property belonging to Mr. ZANDIAN JAZY Ghola, at 23 rue Louis Pouey in Puteaux (92)

The Ordinance infirm,

Said that the costs of this judgement will be used in privileged expenses liquidation,

The formal judgement is signed by the President and Registrar


1e Cour d'Ap
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By judgement of the 21st of September 2006, pel VERSAILLES ordered the reopening of debates and invited the parties to submit their comments on the following questions:

- Is the appeal admissible under the provisions of Article L 623-4 ?
- May the inadmissibility of the appeal be raised to office ?

THE REGISTRAR:

