

**COMMERCIAL
COURT
OF PONTOISE**

**JUDGEMENT OF FEBRUARY 15, 2010
8th Chamber**

N° PCL 1998J00252
Mr. Gholam ZANDIAN JAZI
Against
Me CANET REPRESENTING L.J ZANDIAN JAZI and others
N° General Registry: 2007L01292

APPLICANT

Mr. Gholam ZANDIAN JAZI 8775 Costa Verde Boulevard n°
501 SAN DIEGO CA, 92122 UNITED-STATES OF AMERICA
comparing by the SCP HYEST AND ASSOCIATED 39 Victor Hugo
Avenue 75116 PARIS and by BUISSON and Associated Cabinet 29
Pierre Butin Street 95300 PONTOISE

DEFENDANTS

Me CANET REPRESENTING LJ ZANDIAN JAZI 1 Citadelle (Citadel) Street
95300 PONTOISE

comparing by the SCP GAYRAUD 13 bis Eperon Street
Residence Clos de l'Eperon (the ending of the spur) 95300 PONTOISE

BANK MELLI IRAN 43 Montaigne Avenue 75008 PARIS
Not appearing.

CO-OWNERS SYNDICATE OF THE 2000 RESIDENCE
represented by its the syndic the FONCIA AGENCE MODERNE
COMPANY 28 Republic Street 78500 SARTROUVILLE
Comparing by Me Caroline DUMAS 64 Lafayette Street 75009
PARIS

CO-OWNERS SYNDICATE OF THE 2000 RESIDENCE
represented by its the syndic the LAMY COMPANY 5 Comedy
Square 33000 BORDEAUX
Comparing by Me Caroline DUMAS 64 Lafayette Street 75009
PARIS

COMPOSITION OF THE COURT

Deemed contradictory decision and in first instance.

Debates, discussions closed and taken under advisement at
the hearing on December 7, 2009 in Council Chamber where
sat Mr. PAROUNAGHIAN, President, Mr. BEZIAUD,
Judge, M. ISRAEL, Judges, assisted by Mr.

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LE GALL, Registrar.

Deliberated by the same Judges.

Pronounced publicly at the hearing on February 15, 2010
Where sat Mr. BEZIAUD, President, M. SAHLER, M.
ISRAEL, Judges, assisted by Mr. GAUDICHEAU Registrar.

The minutes of this judgment is signed by the President and
by the Registrar.

THE FACTS

By judgment delivered on April 3, 1998, the Commercial Court of Pontoise pronounced the liquidation of Mr. Gholam ZANDIAN JAZI and appointed Mr. Alain ISRAEL as commissioner judge and Maître Patrick CANET as liquidator;

By ordinance delivered on May 4, 2007, Mr. Alain ISRAEL, Commissioner Judge to the liquidation of Mr. Gholam ZANDIAN JAZI authorized Maître Patrick CANET as liquidator, to proceed before the High Court of Pontoise the public auction sale of a building; dependent to the active; representing an apartment, a cellar and a double parking. Located 23, Louis Poney Street, in Puteaux (92800), forming the Lots n° 1316, 1593 and 1738 of the co-property, of a whole cadastral section M n° 216 of 30 acres 71 centiares, M n° 218 of 97 centiares and M n° 219 of 29 centiares, the initial price was set at the amount of 45.000,00 euros, without possibility of decrease.

PROCEDURE

By letter dated on September 11, 2007, received by the Registry of the Commercial Court of Pontoise on September 12, 2007, Mr. Gholam ZANDIAN JAZI objected to that order.

The case was referred to the hearing of September 28, 2009.

SUMMARY AND CONCLUSIONS OF THE APPLICANT

At the hearing on December 7, 2009, Mr. Gholam ZANDIAN JAZI, represented by the BUISSON cabinet requests that the property would be sold by the jurisdictions of NANTERRE, the property is located in that jurisdiction;

SUMMARY AND CONCLUSIONS OF THE DEFENDANT

Maître Patrick CANET, as liquidator, represented by Mr. GAYRAUD requests the confirmation of the order,

Maître Patrick CANET did not oppose to the public auction sale in the High Court of Nanterre.

WHEREUPON, THE COURT

ON THE MAIN APPLICATION

Given that, It follows from the explanations and documents produced to the cause, in particular, that by ordinance dated on May 4, 2007, Mr. the Commissioner Judge to the liquidation of Mr. Gholam ZANDIAN JAZI authorized Maître Patrick CANET to continue the public auction sale of a property representing an apartment, a cellar and a double parking. Located 23, Louis Poney Street, in Puteaux (92800), forming the Lots n° 1316, 1593 and 1738 of the co-property, of a whole cadastral section M n° 216 of 30 acres 71 centiares, M n° 218 of 97 centiares and M n° 219 of 29 centiares, the initial price was set at the amount of 45.000,00 euros, without possibility of decrease.

Given that, by the minutes dated on September 11, 2007, Mr. Gholam ZANDIAN JAZI has opposed to this order.

That, initially, Mr. Gholam ZANDIAN JAZI raised the nullity of the sale order.

That, nevertheless, Mr. Gholam ZANDIAN JAZI now agrees to sell his property at public auction but he requires the procedure to be pursued before the High Court of Nanterre (92800) located within its jurisdiction;

That, this should be noted,

Given that, the property located within the jurisdiction of the High court of Nanterre (92800) could be sold at public auction on better conditions than those provided by this ordinance.

That Maître Patrick CANET do not oppose to the public auction sale of the High Court of Nanterre (92800);

That, the ordinance should be partly reformed on this point and confirm it on the remainder.

ON THE EXPENSES

Given that, the use of privileged fees costs of collective procedure should be ordered.

FOR THESE REASONS

The Court after deliberation according to the law, acting publicly, by judgment deemed contradictory and in first instance.

Notes the agreement Mr. Gholam ZANDIAN JAZI on selling his property representing an apartment, a cellar and a double parking. Located 23, Louis Poney Street, in Puteaux (92800), forming the Lots n° 1316, 1593 and 1738 of the co-property, of a whole cadastral section M n° 216 of 30 acres 71 centiares, M n° 218 of 97 centiares and M n° 219 of 29 centiares,

Partly reforms the ordinance and authorizes the sale of the property at public auction before the High Court of Nanterre,

Confirms it on the remainder,

Orders the use of privileged fees costs of collective procedure,

The minutes of this judgment is signed by the President of the Chamber and by the Registrar.