

Our Ref; AA/JO/EA21

Date: 28<sup>th</sup> October 2024

M/S Omongole & Co. Advocates  
01<sup>st</sup> floor, Conrad House,  
Plot 24, Jinja road,  
Kampala

The Registrar of Titles,  
Soroti Ministry Zonal Office,  
Soroti.

RE: HIGH COURT CIVIL SUIT NO.28 of 2021, CONSOLIDATED WITH CIVIL SUITS NO.058 and 1053 of 2019, SARAH ABUTO and ISAAC ERYAKU -VS- STANBIC BANK LTD, EMMANUEL ABUNYANG

We act for Emmanuel Abunyang.

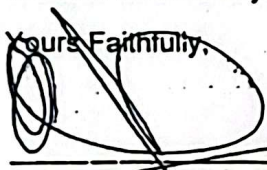
We make reference to the order of court in the above suit dated the 19<sup>th</sup> of August 2024 and the demand from the Registrar of titles for the production of duplicate certificate of title for Plot 14, Akakai lane, Soroti dated 04.10.2024 addressed to our client.

We would like to advise you that we duly handed over the certificate of title to the lawyers of the 01<sup>st</sup> defendant. As you are aware by the order of court, they have a right of mortgage over the said property. We would advise you to pursue any other claims over the said title with the 01<sup>st</sup> defendant.

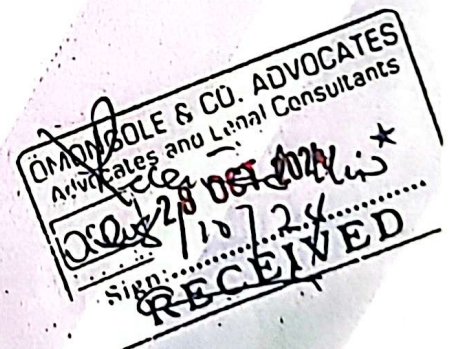
Regarding, your demand for vacant possession of the property, as we earlier advised, we have no objection to a peaceful handover of the said property. We shall handover to the agents of the mortgagee (01<sup>st</sup> defendant) who will in turn handover the property to your client. We will be in position to conclude this by the 01<sup>st</sup> of November 2024.

We look forward to your cooperation.

Yours Faithfully,

  
ALLIANCE ADVOCATES

Cc: M/S S&L Advocates  
Cc: client.

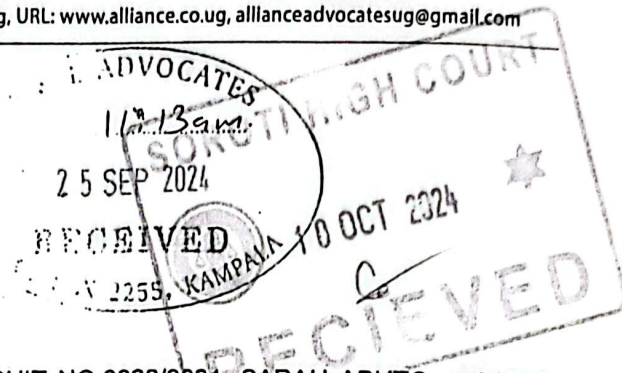




Our Ref: AA/JO/EN23

Date: 24.09.2024

M/S S&L Advocates  
2<sup>nd</sup> -4<sup>th</sup> Floor, S&L Chambers,  
Plot 14 Mackinnon Road,  
Nakasero,  
P.O BOX 2255, Kampala



RE: JUDGEMENT IN HIGH COURT CIVIL SUIT NO.0028/2021, SARAH ABUTO and ISAC ERYAKU -VS STANBIC BANK UGANDA LTD, ABUNYANG EMMANUEL

We act for Abunyang Emmanuel.

As you are aware judgement in the above matter was handed down on the 19<sup>th</sup> day of August 2024 with the result that our client loses his property rights in the suit land comprised in LRV 348 Folio 9, Plot 14 Akakai Lane, Soroti for a plethora of reasons as outlined in the decision of Judge Henry Peter Adonyo.

Consequently, as regards the position of our client in this long dispute, our client does not wish to continue with the litigation process that has strained his resources since he purchased the property in 2016. He has been a victim of numerous criminal suits and civil suits brought by the plaintiff in this matter. These have strained his financial resources greatly.

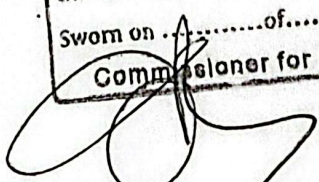
We therefore write to demand that the matters in the suit as between our client and your client be settled amicably. In that line we propose that your client makes the refund of the money paid under the agreement with interest as ordered by the judge. This would put the amount due to our client from yours at UGX.125,400,000=(Shillings one hundred and twenty five million four hundred thousand).

Additionally, our client made improvements on the property from the time that he purchased it from yours in 2016. As per a valuation undertaken on the 4<sup>th</sup> August 2022 puts the open market value of the property in the region of UGX.540,000,000=(Shillings five hundred and forty million) and the forced sale in the region of UGX.350,000,000=(Shillings Three hundred and fifty million). The raise in the property value is among others due to work done in improving the property by our client. Our client demands that he be compensated for the extra developments that he has made to the property. He is willing to have a discussion with yourselves so that a reasonable compensation can be reached.

We write to put across the demand of our client above and to seek for an opportunity to meet and resolve this dispute once and for all. We would appreciate a response within the week as the 02<sup>nd</sup> plaintiff is making steps to evict and forcefully disposes our client.

Yours Faithfully,

  
M/S ALLIANCE ADVOCATES.

  
Annexure marked.....  
On the Affirmation of.....  
Sworn on ..... of ..... 20.....  
Commissioner for Oaths

Members: Kenneth Paul Omoding | Brian Othieno | Richard Okallany | Peter Mugimba

Advocates: Okanya Joshua | Kokeyo Allan | Ignatius | Machel Nyambok Omondi | Roland Kusimake | Natumanya Willing |  
Buyinza Joel | Mulinde Keneth | Rwambale Douglaus

CA - 0769 / 2024



THE REPUBLIC OF UGANDA

IN THE HIGH COURT OF UGANDA AT SOROTI

HIGH COURT CIVIL SUIT NO 0028 OF 2021

1. SARAH ABUTO

2. ISAC ERYAKU .....

VERSUS

1. STANBIC BANK UGANDA LIMITED

2. ABUNYANG EMMANUEL

3. COMMISSIONER LAND REGISTRATION .....

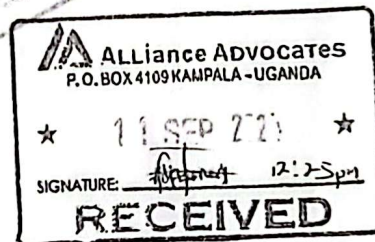
DEFENDANTS

NOTICE OF APPEAL

TAKE NOTICE that STANBIC BANK UGANDA LIMITED, being dissatisfied with the judgment and orders of Honourable Justice Dr. Henry Peter Adonyo delivered on the 19<sup>th</sup> day of August 2024 in the captioned matter intends to appeal to the Court of Appeal against the whole decision.

THE ADDRESS OF THE APPELLANT IS:

M/S S&L Advocates  
2<sup>nd</sup> – 4<sup>th</sup> Floor, S&L Chambers  
Plot 14, Mackinnon Road  
Nakasero  
P.O. Box 2255, KAMPALA

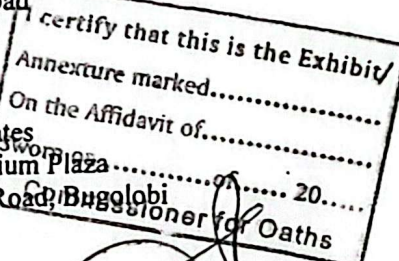


IT IS INTENDED TO SERVE COPIES OF THIS NOTICE ON:

1. The Registrar  
Court of Appeal  
Ground Floor, Twed Towers  
KAMPALA

2. Omongole & Co Advocates  
1<sup>st</sup> Floor, Conrad House  
Plot 24, Jinja Road  
P. O. Box 28511  
KAMPALA

3. Alliance Advocates  
1<sup>st</sup> Floor, Millenium Plaza  
Plot 71, Spring Road, Buggolobi





Report with police division  
Case: Vandalism and Theft

Complainant: Elisha Isaac

Suspect: Abunang Emmanuel

REF: 42/30/10/2024.

THE REPUBLIC OF UGANDA

IN THE HIGH COURT OF UGANDA HOLDEN AT SOROTI

MISCELLANEOUS APPLICATION NO. .... OF 2024

ARISING FROM HIGH COURT CIVIL SUIT NO 028 OF 2021

STANBIC BANK UGANDA LIMITED ..... APPLICANT

VERSUS

1. ABUTO SARAH
2. ERYAKU ISAAC
3. ABUNYANG EMMANUEL
4. THE COMMISSIONER LAND REGISTRATION .....RESPONDENTS

**AFFIDAVIT IN SUPPORT**

I, ARNOLD TWINE, of c/o M/s S&L Advocates, S&L Chambers, Plot 14 Mackinnon Road, P.O. Box 2255 Kampala, do solemnly take oath and state as follows:

1. I am an adult female Ugandan of sound mind. I am employed by the Applicant as the Head, Litigation and Dispute Resolution. I am conversant with the facts and matters pertaining to this application and I depone this affidavit in that capacity with full authorization of the Applicant.
2. That on 13 August 2024, this Honourable Court delivered judgment against the Applicant in High Court Civil Suit No 28 of 2021: Abuto Sarah & Eryaku Isaac v Stanbic Bank Uganda Limited & Abunyang Emmanuel.

*See judgment attached and marked A*

3. In the judgment, it was held that the Applicant had illegally and unlawfully sold the 2<sup>nd</sup> Respondent's property comprised in LRV 348, Folio 9, Plot 14, Akakai Lane, Soroti and set aside the sale. The Court also made the following orders:
  - a. The Applicant was directed to carry out a forensic reconciliation of the loan account with the 2<sup>nd</sup> Respondent.
  - b. The Applicant was advised to carry out a fresh foreclosure of the mortgage if it so wished.
  - c. The Applicant was directed to refund to the 3<sup>rd</sup> Respondent the purchase price of the property together with interest at 6% from the date of filing.



f. The trial Judge erred in law and fact when he ordered the Bank to refund the purchase price or the mortgage property to the purchaser together with interest whereas the same had not been raised in pleadings and the cancellation of the purchaser's title was a result of his own fraudulent conduct.

8. I am advised by the Applicant's lawyer whose advice I believe to be true that there is need to preserve the status quo of the land in dispute pending the implementation of the other orders of Court or the resolution of the appeal.
9. I am advised by the Applicant's lawyer whose advice I believe to be true that there is an imminent threat of execution of the decree since the orders of the Court can be executed without the need for extracting the decree or applying for execution of the decree.
10. The 3<sup>rd</sup> Respondent has issued a demand for payment of the decretal sum to the Applicant.

*See demand attached and marked D*

11. I am further advised by the Applicant's Counsel at S&L Advocates whose advice I believe to be true that the Applicant's appeal will be rendered nugatory in the event the Court does not grant this application for stay of execution.
12. That the Applicant is ready and willing to comply with any conditions the Court may set in order to stay execution of the decree including by providing a bank guarantee for payment of the decree in the event the appeal is unsuccessful.
13. That the Applicant has filed this application without any delay since judgment was entered on 13 August 2024 and rectified on 18 September 2024.
14. That it is in the interest of justice and to enable the Applicant exercise its right of appeal that this application should be granted.
15. That I swear this affidavit in support of the application for stay of execution of the decree and orders of the Court in the main suit pending the determination of the appeal.
16. That whatever I have stated hereinabove is true and correct to the best of my knowledge and belief save for information whose sources have been disclosed hereinabove.

SWORN at Kampala by the said ARNOLD TWINE  
This 03 day of October 2024

DEPONENT

BEFORE ME

COMMISSIONER FOR OATHS