The Republic of Trinidad & Tobago

**In the High Court of Justice Petition/ Application No. FH 00511/2008**

**Family**

**Between**

**MERAH LEE**

Petitioner

And

**KENRICK LEE**

Respondent

I, Kenrick Lee of #36, Nicholas Ville, San Juan, in the Island of Trinidad, make oath and say as follows:

1. I am the Respondent herein and the facts and matters herein deposed to are within my personal knowledge and belief, true and correct except where otherwise stated, in which case, I verily believe same to be true.
2. That on the 17th of May, 1985 I was lawfully married to the Petitioner MERAH LEE. On the 29th day of July a Decree Nisi was granted by the Honourable Mr.Justice Tam and on the 2nd day of October 2008 the Decree Nisi was made absolute.
3. About 23 years ago I met the Respondent and we became friends and decided to get married.
4. My father Achoy Lee owns a house at 36 Nicholasville, San Juan (hereinafter referred to as the property) and I was living in that house when I got married. The Petitioner joined me after we got married.
5. The house was a two storey concrete building comprising 3 bedrooms in the upstairs portion of the said house and two bedroom apartments downstairs.
6. My father and my family used to live in the bedrooms upstairs. My father tenanted the 2 bedrooms downstairs.
7. My father was bedridden and I and the petitioner used to take care of my father.
8. The Petitioner is house wife and I was employed as Clearner II with the Ministry of National Security earning a salary of $3,500 per month. I used to take care of all the household expenses.
9. As my father was very sick, he decided to make a Will bequeathing the property to me. On 15th of February 1995 my father prepared a Will bequeathing the property me and it was advised by the attorney that my wife should also be included in case some thing happens to me and I do not have to go to the same process of devising the property.
10. The property was always owned by my father and never was the matrimonial property in the sense obtained by the joint efforts of the Petitioner and me.
11. My father died on the 11th January, 1997 and the Probate of his Will was granted on the 14th November 1997. By Deed of Assent registered as No.22258 of 1998 the petitioner and I became the owners of the Property as joint tenants inherited from my father.
12. My father has an insurance policy in the sum of $24,000 and left the money to me absolutely.
13. We had the two children by the time my father died. In the month of July, 1998 we decided that we should construct an annex to the property using the money left by my father to me and also take a loan.
14. On 13th of july 1998, I took a loan from the Royal Bank, San Juan in the sum of $25,000 and with that money and the money my father left me I build an annex to the property.
15. The money that was borrowed was not enough and on 25th of March, 1999 I had to refinance the first loan and take another loan for $55,000 which was used to finish the annex.
16. I used $22,000 from the loan and bought a motor vehicle to run it as a taxi to help with the expenses of the house. I used to work as a cleaner in the morning and run the taxi in the evening and take care of the household expenses while she is still a house wife in the house.
17. The annex was completed in 2000 and we decided that we will live in the annex and rent the entire house. We moved into the annex in November, 2000 and house was rented in December 2000 at a rental of $2,400. This money was used for the house hold expenses and also for the repayment of the loan.
18. In 2001 the property needed repairs and on 31st of October 2001, we took another loan for $60,000.
19. In March 2004 I had a friend in Santa Cruz and used to visit her in her house. I sometimes used to spend a two nights with her but I always came back to my house. I never left my home in San Juan.
20. I always took care of the house hold expenses and also the loan payments.
21. In 2004 the petitioner began an extra marital affair with a gentle man known as “Clay” She use to go to Tobago with this gentle man leaving my children and me to take care of ourselves.
22. Even though she started working from 2004 I alone used to take care of the household expenses and the loan repayments.
23. In the month of September, 2005, my friend and I became close and at that time the petitioner was involved with “Clay” and hence she stopped talking to me. My friend came and started living with me. I started living in the downstairs apartment.
24. In October, 2005 I had cataracts in my eyes and my vision was blurred and I lost my job. I still used to pay the mortgage but not the full amount the rental money I received.
25. The mortgage was in arrears. In the month of September, 2006 the bank wrote to us that they would seize the property.
26. My daughter Krytal Lee Yusuf helped with the arrears and paid $6500 to the Royal Bank on the arrears due. I was still paying the mortgage and attempted to clear the arrears with the rental money
27. On 7th of October, 2008 the Petitioner payed $11,508.51 which was the final payment on the mortgage.
28. On the 5th of December, 2008 the petitioner obtained a valuation from Brent Augustus and Associates Ltd and valued the property at $550,000.00
29. On 26th September, 2007 the Petitioner left the property and started living with Clay. When ever I used to call her she used to tell me that Clay does not want her to talk to me.
30. I am still unemployed due to my vision. If I am removed from my house I would not have anywhere else to go and would be left without any shelter while the Petitioner already has place to stay.
31. The rent money was used either for the loan or the house hold expenses.
32. I am therefore asking this Honourable Court for an order that I should not be moved from this property and the Petitioner provide maintenance for me or let me use the rental money to maintain myself.

Sworn to at )

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This day of , )

2010 )