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Barbara Burke
T: 602-576-0468

On Tue, Sep 13, 2022 at 8:11 AM Barbara Burke <barbaramburkewriter@gmail.com> wrote:

Thank you Alban for this information. I will speak with Ronda today. I only joined helping Alki in June, so I was not privy to all your Spring correspondence. I do have one question - when there is liquidation of an asset, such as here, can the debtor or family bid on the auctioned home so as to keep it in the family? That is the case here in the U.S.

Sincerely,
Barbara Burke
T: 602-576-0468

On Tue, Sep 13, 2022 at 1:10 AM Alban Shabani <a.shabani@weinmann-zimmerli.ch> wrote:

Dear all

Regarding the debt enforcement proceedings the issue is not that the case in the USA is still going on. The problem at hand is that after we have filed the appeal against the grant of the debt enforcement. With respect to this, I had inquired since February 2021 the Californian Judgement. At the time, I was informed that there are no legal means to attack the Californian Judgement.

According to Swiss law, we have reached now a stage where no new evidence will be considered. This already applied at the moment if the TRO would have been granted, the appeal court would have been likely to stay the execution of the debt enforcement, both in the USA either. As the TRO has been denied the appeal court decided to move forward and is now in the process of writing the

Swiss procedural law required that we should have attacked the Californian Judgement latest at the time when the Swiss attorney's request for debt enforcement shall be granted. I have raised this issue several times in the previous correspondence. As our federal complaint was denied in the debt enforcement proceedings, we could neither argue nor demand a stay until the final judgement is rendered by the federal court. The federal court does not have the right to decide upon the stay of the proceedings now as this issue had not been raised before court of first instance. If granted, the appeal court could have stayed the enforcement.

For these reasons, the debt enforcement office Oberland of the Canton Berne is now in the process of executing the debt enforcement process. Therefore, debt enforcement office Oberland of the Canton Berne will proceed with the sale of Alki's property in Gs...