

Dated 13th day of September 2023

(1) MARS CAPITAL FINANCE IRELAND DAC

AND

(2) COLIN GAYNOR

APPOINTMENT OF RECEIVER

(RELATING TO MORTGAGES AND CHARGES DATED 1 SEPTEMBER 2014 BETWEEN (1) KEVIN CARROLL and (2) THE GOVERNOR AND COMPANY OF THE BANK OF IRELAND)

Property:

170 acres at Ballynaskeagh, Devlin, County Westmeath and as contained and comprised in folio WH11077 and

85 acres at Collinstown, County Westmeath and as contained and comprised in folio WH22751F



THIS APPOINTMENT made on 13th day of September

2023

BETWEEN

1. **MARS CAPITAL FINANCE IRELAND DAC**, a company incorporated under the laws of Ireland with registration number 558978, with a registered office at One Warrington Place, Dublin 2 (“**Mars**”);

AND

2. **COLIN GAYNOR** of Resolute Advisory, Suite 35, 3 Marine Road, Dun Laoghaire, County Dublin (the “**Receiver**”)

WHEREAS

- A. The security documents listed in the Schedule hereto (the “**Security Document**”) was entered into between Kevin Carroll (the “**Mortgagor**”) and The Governor and Company of the Bank of Ireland (the “**Bank**”) to secure certain indebtedness and other obligations of the Mortgagor to the Bank.
- B. By Global Deed of Transfer dated 17 April 2023 between *inter alia* the Bank and Mars, Mars acquired the right, title and interest of the Bank in the Security Document and all other rights connected therewith (the “**Transfer**”).
- C. All rights, title and interest of the Bank in the Security Document and the Mortgagor’s obligations now vest in Mars.
- D. Under the terms of the Security Document and/or at law the power to appoint a receiver has become exercisable by Mars.

IN PURSUANCE of the powers contained in the Security Document and by statute or otherwise, and in reliance of the Transfer, Mars **HEREBY APPOINTS** the Receiver to be the receiver over all of the assets and undertaking (as applicable) referred to comprised in and which remained charged by the Security Document and to exercise all the powers of a receiver given by the Security Document and by law including by not limited to entering upon and taking possession of the same in the manner specified in the Security Document **AND IT IS HEREBY DECLARED** that the Receiver shall be the agent of the Mortgagor, whom shall be solely responsible for the Receiver’s acts, defaults and remuneration.

This instrument may be executed in any number of counterparts each which when executed shall be an original but all of which when taken together shall constitute a single instrument.

This instrument and any non-contractual obligations arising out of or in connection with it will be governed and construed in accordance with the laws of Ireland.

IN WITNESS whereof Mars makes this instrument under hand, the day and year above herein **WRITTEN** and the Receiver have hereunto set their hands by way of receipt and acknowledgement of the appointment.

SIGNED AND DELIVERED AS A DEED by



Attorney Name ~~Stephen McKeever~~ / Seamus Corbett

as ATTORNEY for and on behalf of Mars Capital Finance Ireland DAC

under a Power of Attorney dated

which has not been revoked

in the presence of:

Witness: 

Name: ANNE NELSON

Address: WARRINGTON PLACE, AUSTIN 2

Occupation: ASSET MANAGER

CONFIRMATION OF ACCEPTANCE OF APPOINTMENT AS RECEIVER

I, **COLIN GAYNOR** do hereby acknowledge receipt of this instrument and accept the appointment thereby notified and subject to the conditions above referred to and more particularly contained in the Security Document.

Dated this 13th day of September 2023 at 5.00 o'clock in the ~~forenoon~~/afternoon

Signed by the said **COLIN GAYNOR**

In the presence of

R. Dawling
Witness Name
cp Resolute Advisory
Insolvency Manager

CG
COLIN GAYNOR

SCHEDULE

Mortgage	Description of the charged property
Deeds of Mortgage dated 1 September 2014 between Kevin Carroll and The Governor and Company of the Bank of Ireland (the " Security Document ")	ALL THAT AND THOSE the properties described as 170 acres at Ballynaskeagh, Devlin, County Westmeath and as contained and comprised in folio WH11077 and 85 acres at Collinstown, County Westmeath and as contained and comprised in folio WH22751F