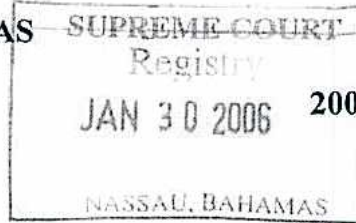


COMMONWEALTH OF THE BAHAMAS

IN THE SUPREME COURT

Public Law Division



IN THE MATTER of an application for judicial review

BETWEEN:

THE QUEEN

and

WENDELL MAJOR  
AS SECRETARY TO THE NATIONAL ECONOMIC COUNCIL

First Respondent

THE MINISTER RESPONSIBLE FOR CROWN LANDS  
In the person of The Honourable Perry Gladstone Christie, Prime Minister of The  
Commonwealth of The Bahamas

Second Respondent

THE TREASURER OF THE BAHAMAS

Third Respondent

Ex parte

SAVE THE GUANA CAY REEF ASSOCIATION LIMITED

The Applicant

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AFFIDAVIT

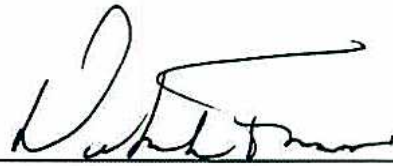
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I, **DEBORAH E. FRASER**, of the Western District of the Island of New Providence, one of the Islands of The Commonwealth of The Bahamas, make oath and say as follows:

1. I am the Director of Legal Affairs in the Office of the Attorney General, having been appointed to that post on the 5<sup>th</sup> March 2005.
2. This Affidavit is filed in the matter herein on behalf of the Respondents, and I am duly authorized to make this Affidavit and do so from knowledge acquired by me in the aforesaid employment capacity.
3. In my said capacity of Director of Legal Affairs, I am responsible for the drafting or final vetting of legal documents and agreements, including leases and conveyances, for the Government of The Bahamas. In this function, I am assisted by subordinate legal officers in the Office of the Attorney General.
4. To the best of my knowledge and belief, none of the leases of either Crown or Treasury Land agreed to be granted in the Heads of Agreement signed between the Government of The Bahamas and the several developers in respect of a proposed development on Great Guana Cay on the 1<sup>st</sup> March 2005 have been executed.
5. I am aware of the requirements of the Ministry of Finance Act, Chapter 23 of the Statute Law of The Bahamas, requiring a Resolution of both Houses of Parliament with respect to the disposition of the fee simple of Crown Land, and for the prior approval of the Governor-General with respect to leases or licenses exceeding three (3) years.
6. I have in the past drafted similar resolutions for Parliament and the appropriate instruments for the Governor-General, which have been duly passed or approved, as the case may be, before execution of the conveyances or leases to which they relate.

7. Should any Parliamentary resolutions or instruments for the approval of the Governor General be required in connection with any leases for the Guana Cay project to conform to the provisions of any relevant statutes, the same will be prepared by my officers and myself prior to the execution of any of the said leases.
  
8. That the contents of this Affidavit are true and correct to the best of my knowledge, information and belief.

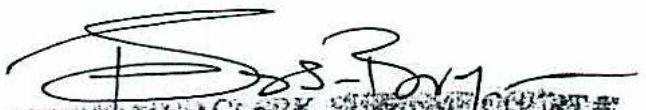
SWORN at Nassau )  
The Bahamas )  
On this 30<sup>th</sup> day of )  
January, A.D., 2006 )



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**DEBORAH FRASER**

**BEFORE ME**

  
DEBORAH FRASER, CLERK, SUPREME COURT #

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**NOTARY PUBLIC**