

CANADA  
PROVINCE OF QUÉBEC  
DISTRICT OF MONTREAL

SUPERIOR COURT  
(Commercial Division)  
in Bankruptcy and Insolvency  
(*Bankruptcy and Insolvency Act*, R.S.C. 1985, c.  
B-3, as amended)

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NO: 500-11-065703-254

**IN THE MATTER OF THE BANKRUPTCY OF :**

**JD EUROWAY BANCORP & TRUST**, an entity established under the laws of the State of Delaware, USA, having its last place of business at 102-6455 Jean-Talon Blvd. East in the City of Montreal, Province of Quebec H1S 3E8

**Debtor**

**vs.**

**BROTHERS INTERNATIONAL (UK) LIMITED**, a company subsisting under the laws of the United Kingdom having an office at 20-22 Wenlock Road, City of London in the United Kingdom N1 7GU

**Applicant/Creditor**

**and**

**KPMG INC.**, a licensed bankruptcy trustee pursuant to the *Bankruptcy and Insolvency Act*, Canada, having a place of business at 600 de Maisonneuve Blvd., West, Suite 1500, in the City of Montreal, Province of Quebec

**Proposed Trustee**

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**APPLICATION FOR ISSUANCE OF A BANKRUPTCY ORDER**

TO ONE OF THE HONOURABLE JUSTICES OF THE SUPERIOR COURT, SITTING IN THE COMMERCIAL DIVISION, IN AND FOR THE DISTRICT OF MONTREAL, OR A REGISTRAR THEREOF, THE APPLICANT RESPECTFULLY SUBMITS AS FOLLOWS:

## I. INTRODUCTION

1. The Applicant seeks this Court's issuance of a bankruptcy order against the Debtor on the following grounds:
  - a) The debt owing by the Debtor to the Applicant is US\$756,696,200, being the Canadian dollar equivalent, as of May 9, 2025, of \$1,053,850,797 (the "**Debt**"), which is a very significant and important amount well in excess of the \$1,000 requirement set forth in the relevant provisions of the *Bankruptcy and Insolvency Act, Canada* ("**BIA**"). Such Debt is based on the US\$/CAN\$ exchange rate as of the date hereof, as appears from the document communicated and produced herewith as **Exhibit P-1**;
  - b) The Debtor is both an "insolvent person" and a "debtor" (as defined in the *BIA*) and, within 6 months preceding this Application, has committed various "acts of bankruptcy" (as defined in the *BIA*);
  - c) Additional and special circumstances exist which further warrant the issuance of a bankruptcy order against the Debtor,all as hereafter set forth.

## II. THE DEBTOR

2. The Debtor is an entity established under the State of Delaware, USA, as appears from a copy of a letter communicated and produced herewith as **Exhibit P-2** (the "**Delaware Search Report**").
3. The Delaware Search Report reveals Fitzgerald Zephir ("**Zephir**") as the Debtor's sole trustee and reveals Zephir's address as purportedly being in Irvine, California, USA. A Google search of this address communicated and produced herewith as **Exhibit P-3**, reveals that this address is nothing more than a "UPS Store".
4. Within the year preceding this Application, the Debtor purported to carry on the business of banking from an "office" situated at 102-6455 Jean-Talon Blvd., East, in the City of Montreal, Province of Quebec (the "**So-Called Office**"). This So-Called Office is now empty and abandoned.
5. As a matter of fact, the Debtor :

- a) was never licensed or authorized to carry on any business as a bank anywhere in Canada. As appears from Schedules I, II and III to the *Bank Act*, Canada, communicated and produced herewith as **Exhibit P-4**, the Debtor is not one of the “banks” listed therein;
  - b) was never licensed or authorized to carry on any business as a bank in the State of Delaware, U.S.A., and was never recognized as a bank by either the *United States Federal Deposit Insurance Corporation* or the *United States Office of the Comptroller of Currency*, as appears from the Delaware Search Report.
6. Notwithstanding the above, Debtor publicly advertised itself as a bank carrying on the business of banking from and at the So-Called Office and created and publicized a website falsely indicating to the Applicant and other members of the public that it was, indeed, carrying on business as a bank from and at the So-Called Office. Copies of pages of this website are communicated and produced herewith as **Exhibit P-5**.

### III. JD EUROWAY CAPITAL PARTNERS LLC

7. JD Euroway Capital Partners LLC (“**JD Capital**”) is another entity established in the State of Delaware, USA, as appears from the Delaware Search Report.
8. JD Capital purported to carry on some sort of financial business at and from the So-Called Office, as appears from the CIDREQ search communicated and produced herewith as **Exhibit P-6**. Such search reveals Zephir as its sole director, officer and shareholder.
9. As a result of a bankruptcy order issued against JD Capital by this Honourable Court on August 12, 2024, JD Capital is bankrupt under the provisions of the *BIA* and KPMG Inc. acts as its bankruptcy trustee, (the “**JD Capital Trustee**”), as appears from the “Notice of Resumption of First Meeting of Creditors” issued by KPMG Inc. in respect of the bankrupt JD Capital, a copy of which is communicated and produced herewith as **Exhibit P-7**.
10. To date, in the JD Capital bankruptcy, the JD Euroway trustee has been unable to locate any real financial or other books and records concerning JD Capital. When JD Capital’s bankruptcy trustee attended the So-Called Office, no financial or other books and records of JD Capital or the Debtor were found and to date, the JD Capital Trustee has been unable to find any substantive financial or other books and records.

#### IV. FRITZGERALD ZEPHIR

11. Zephir is a Canadian citizen residing in the Province of Quebec, a copy of his Canadian Passport is communicated and produced as **Exhibit P-8**.
12. At all relevant times Zephir was and remains the sole trustee, *alter ego* and guiding mind of the Debtor. He also was and remains the sole director, officer, shareholder and *alter ego* and guiding mind of JD Capital and other related entities using the nomenclature "JD Euroway".
13. As will be hereafter detailed, Zephir used and hid behind the Debtor and JD Capital in order to fraudulently deprive the Applicant of payment of the Debt.
14. At the first meeting of creditors in the JD Capital bankruptcy, Fritzgerald Zephir refused to divulge any address for the Debtor other than the now empty and abandoned So-Called Office and further refused to divulge the address of his residence.

#### V. THE DEBT OWED BY THE DEBTOR TO THE APPLICANT

15. As at March 15, 2018 and at all relevant times thereafter, the Applicant was the holder of a "Safe Keeping Receipt" issued by Surveillance Mining & Metal Company in the Country of Benin (Africa) (the "**Gold Certificate**") certifying the Applicant's ownership of 10MT tons of gold. A copy of this Gold Certificate is communicated and produced herewith as **Exhibit P-9**.
16. In December 2020, the Applicant engaged Zephir's *alter egos* JD Capital and the Debtor to take possession/control of the Gold Certificate, monetize the gold represented by the Gold Certificate (by way of loans and/or market investments), invest such amounts and deliver/pay the yield on such investments to the Applicant. Such engagements are evidenced by, *inter alia*, an "Investment Advisory Contract" dated December 8, 2020, a copy of which is communicated and produced herewith as **Exhibit P-10** and a "General Agreement" dated December 8, 2020, a copy of which is communicated and produced herewith as **Exhibit P-11** (collectively the "**Agreements**").
17. In furtherance of the Agreements, on December 9, 2020 the Gold Certificate was assigned for a limited period from the Applicant to Zephir's *alter ego* JD Capital as appears from a letter agreement dated December 9, 2020 between the Applicant and JD Capital, a copy of which is communicated and produced herewith as **Exhibit P-12**.

18. On December 8, 2020, JD Capital, the Debtor and Zephir presented the Applicant with a summary indicating that monies earned on the monetization/investment of the Gold Certificate would yield US\$756,696,000, as appears from a document prepared by JD Capital/the Debtor/Zephir, a copy of which is communicated and produced herewith as **Exhibit P-13**.
19. On February 9, 2021, the Debtor/Zephir confirmed to the Applicant that the Gold Certificate (then in JD Capital's possession) had been monetized and that US\$756,696,000 would be earned as a consequence, as appears from a letter dated February 9, 2021 a copy of which is communicated and produced herewith as **Exhibit P-14**.
20. JD Capital/the Debtor/Zephir on numerous occasions, confirmed to the Applicant that indeed US\$756,000,000 had been earned as a result of the monetization of the Gold Certificate. Such confirmation included a letter dated March 24, 2021 and two letters dated April 11, 2022, copies of which are communicated and produced herewith as **Exhibit P-15 en liasse**.
21. Statements of account issued to the Applicant by JD Capital/the Debtor/Zephir confirm that the Applicant holds and has "on deposit" with JD Capital/the Debtor/Zephir, the amount of US\$756,696,200. This appears from a copy of a statement purportedly issued by the Debtor on the Debtor's "bank" website (Exhibit P-5), as recently as January 15, 2025, a copy of which statement is communicated and produced herewith as **Exhibit P-16**.
22. Despite numerous requests by the Applicant for payment of its funds (i.e. US\$756,696,200), JD Capital/the Debtor/Zephir have failed and defaulted to pay any of such monies to the Applicant. Instead, Zephir (on his own behalf and on behalf of JD Capital and the Debtor) have only given the Applicant a barrage meaningless excuses.
23. The Debtor, together with JD Capital and Zephir, owe the Debt to the Applicant and have illegally deprived the Applicant of the Debt (namely US\$756,696,200 or its Canadian dollar equivalent).
24. The use of the Applicant's Gold Certificate and the failure to pay the Debt to the Applicant constitutes fraud and/or abuse of right perpetrated by JD Capital and the Debtor, all with the participation and guidance of Zephir.
25. In a separate file before this Honourable Court, the Applicant has initiated an Application for the issuance of a Bankruptcy Order against Zephir.

## VI. ACTS OF BANKRUPTCY BY THE DEBTOR AND SPECIAL CIRCUMSTANCES

26. The Debtor, within 6 months preceding this Application, has committed the following "acts of bankruptcy" (as defined in the *BIA*), namely:

a) *In Canada or elsewhere, the Debtor has made a fraudulent gift, delivery or transfer of the Debtor's property or any part of it.*

The Debtor, together with JD Capital/Zephir obtained the assignment of the Gold Certificate from the Applicant and thereafter made fraudulent deliveries or transfers of either the Gold Certificate or the monies earned thereon.

b) *The Debtor assigned, removed, secreted or disposed of any of the Debtor's property with intent to defraud, defeat or delay his creditors or any of them.*

The Debtor, together with JD Capital and Zephir, assigned, removed, secreted or disposed of the Gold Certificate and/or the profits earned thereon.

c) *The Debtor gave notice to any of its creditors that the Debtor has suspended payments of its debts.*

On or about November 7, 2024, Zephir informed the Applicant's representative (Iain Morgan) that while funds sufficient to pay the Debt to the Applicant remained "on deposit" with the Debtor, the Debtor/Zephir was unable to pay these deposits to the Applicant or any of its other creditors.

d) *The Debtor has ceased to meet its liabilities generally as they become due.*

In addition to the extremely large amount of the Debt owing to the Applicant, the Debtor has ceased paying other of its creditors.

e) *With intent to defeat or delay his creditors, the Debtor departs out of Canada, or being out of Canada, remains out of Canada, or departs from his dwelling-house or otherwise absents himself.*

The Debtor has departed from and abandoned its So-Called Office. Zephir, the *alter ego* and guiding mind of the Debtor, has departed from

his last dwelling-house and has absented himself therefrom. Zephir attended, via virtual means, the first meeting of creditors of the JD Capital bankruptcy and, despite questions from the JD Capital Trustee and creditors, Zephir refused to indicate where he was situated. Since such meeting and despite numerous efforts by the JD Capital Trustee, Zephir has completely failed to communicate with the JD Capital Trustee. Furthermore, the JD Capital Trustee has engaged the services of a private investigation firm which, after great effort of concealment by Fritzgerald Zephir, may have finally located Fritzgerald Zephir (i.e. the Debtor's sole trustee).

27. The extremely large amount of the Debt and the behaviour of the Debtor as well as JD Capital and Zephir, constitute special circumstances which further warrant this Honourable Court's issuance of the Bankruptcy Order sought herein.
28. It is essential that the Applicant and the Debtors other creditors have immediately available the investigatory and other powers of a Trustee conferred under the *BIA* in order to unravel the acts committed by the Debtor/JD Capital/Zephir and to locate funds taken by the Debtor/JD Capital/Zephir from the Applicant and the Debtor's other creditors.
29. The Debtor is an "insolvent person" as defined in the *BIA*.
30. In light of all of the foregoing, it is clear that special circumstances exist warranting the issuance of a Bankruptcy Order against the Debtor as sought herein.

## **VII. CONCLUSION**

31. Given that:
  - a) The Debtor is both an "insolvent person" and a "debtor" (as defined in the *BIA*);
  - b) The Debt owing by the Debtor to the Applicant far exceeds \$1,000;
  - c) The Debtor has committed one or more "acts of bankruptcy" (as defined in the *BIA*) within the six months preceding the date of this Application; and
  - d) The existence of special circumstances as detailed herein,

a Bankruptcy Order should be immediately issued against and in respect of the Debtor.

32. KPMG Inc. is a licensed bankruptcy Trustee in Montreal and is qualified as bankruptcy trustee to the Debtor's bankruptcy and has agreed to such appointment.
33. The present Application is well founded in fact and in law.

**WHEREFORE**, the Applicant prays for judgement of this Honourable Court:

- A. **GRANTING** the present Application;
- B. **ISSUING** a Bankruptcy Order against and in respect of JD Euroway Bancorp & Trust and **DECLARING** JD Euroway Bancorp & Trust bankrupt all pursuant to the relevant provisions of the *Bankruptcy and Insolvency Act, Canada*; and
- C. **APPOINTING** KPMG Inc. (David Malin, CPA, CIRP, LIT), licensed bankruptcy trustee, of the City of Montreal, Province of Quebec, Canada, as trustee to the bankruptcy of JD Euroway Bancorp & Trust and its property,

**THE WHOLE WITH COSTS**, including all costs of all reports, exhibits, etc.

**MONTREAL**, May 12, 2025

(sgd) KUGLER KANDESTIN LLP

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**KUGLER KANDESTIN LLP**

Attorneys for the Applicant, Brothers International (UK) Limited

**True Copy / Copie Conforme**

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CANADA  
PROVINCE OF QUÉBEC  
DISTRICT OF MONTREAL

SUPERIOR COURT  
(Commercial Division)  
in Bankruptcy and Insolvency  
(*Bankruptcy and Insolvency Act*, R.S.C. 1985, c.  
B-3, as amended)

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NO: 500-11-

IN THE MATTER OF THE BANKRUPTCY OF :  
JD EUROWAY BANCORP & TRUST

Debtor

vs.

BROTHERS INTERNATIONAL (UK) LIMITED

Applicant/Creditor

and

KPMG INC.

Proposed Trustee

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**AFFIDAVIT**

I, the undersigned, Simon Colin Mears, having a place of business at Amaliegad 6, 1 tv, 1256, in the City of Copenhagen, Country of Denmark, do hereby solemnly affirm that:

1. I am a Director of the Applicant/Creditor, Brothers International (UK) Limited, (the "Applicant") and have personal knowledge of the facts alleged in the Application for Issuance of a Bankruptcy Order herein (the "Application"); and
2. All of the facts alleged in the Application are true and correct.

AND I HAVE SIGNED:  
(sgd) SIMON C. MEARS

\_\_\_\_\_  
SIMON COLIN MEARS

SOLEMNLY AFFIRMED before me by  
technological means In the City of Montreal,  
Province of Quebec, this 12<sup>th</sup> day of May, 2025

(sgd) K. SCHUMANN

\_\_\_\_\_  
Commissioner for Oaths for Quebec  
Name: KARIN SCHUMANN  
Commission No.: 83,623

**True Copy / Copie Conforme**

CANADA  
 PROVINCE OF QUÉBEC  
 DISTRICT OF MONTREAL

SUPERIOR COURT  
 (Commercial Division)  
 in Bankruptcy and Insolvency  
 (*Bankruptcy and Insolvency Act*, R.S.C. 1985, c.  
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Debtor

vs.

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and

KPMG INC.

Proposed Trustee

**SCEAU DU TRIBUNAL**  
 Délivré à Montréal,  
 Province de Québec,  
 le 13 mai 2025  
  
**REGISTRAIRE DES FAILLITES**  
**M<sup>e</sup> VINCENT-MICHEL AUBÉ**  
 Registraire

**NOTICE OF PRESENTATION**

TO:

<p><b>JD EUROWAY BANCORP &amp; TRUST</b>                  102 – 6455 Jean-Talon Blvd., East                  Montreal, Quebec H1S 3E8</p>	<p><b>THE SUPERINTENDENT OF BANKRUPTCY</b>  <a href="mailto:osbservice-bsfservice@ised-isde.qc.ca">osbservice-bsfservice@ised-isde.qc.ca</a></p>
<p><b>KPMG INC.</b>                  Attn: Mr. David Malin, CPA, CIRP, LIT                  dmalin@kpmg.ca</p>	

**TAKE NOTICE** that the *Application for Issuance of a Bankruptcy Order* shall be presented before the Commercial Division of the Superior Court of Québec in and for the district of Montreal, in Room 16.10 of the Montreal Courthouse situated at 1 Notre-Dame Street East, on May 28, 2025 at 8:45 a.m. or so soon thereafter as counsel may be heard.

**MONTREAL**, May 12, 2025  
 (sgd) KUGLER KANDESTIN LLP

**KUGLER KANDESTIN LLP**  
**Attorneys for the Applicant/Creditor**

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CANADA  
PROVINCE OF QUÉBEC  
DISTRICT OF MONTREAL  
NO.: 500-11-  
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in Bankruptcy and Insolvency

(Bankruptcy and Insolvency Act, R.S.C. 1985, c. B-3, as amended)

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IN THE MATTER OF THE BANKRUPTCY OF:  
JD EUROWAY BANCORP & TRUST

Debtor

-and-

BROTHERS INTERNATIONAL (UK) LIMITED

Applicant/Creditor

-and-

KPMG INC.

Proposed Trustee

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**LIST OF EXHIBITS  
IN SUPPORT OF THE APPLICATION FOR ISSUANCE OF A BANKRUPTCY ORDER**

- |              |   |
|--------------|---|
| EXHIBIT P-1  | Document indicating US\$/CAN\$ exchange rate  |
| EXHIBIT P-2  | Letter in respect of JD Euroway Bancorp & Trust and JD Euroway Capital Partners LLC |
| EXHIBIT P-3  | Copy of Google search of Debtor's address   |
| EXHIBIT P-4  | Copy of Schedules I, II and III of the <i>Bank Act</i> , Canada                     |
| EXHIBIT P-5  | Copies of pages of JD Bancorp website   |
| EXHIBIT P-6  | Copy of CIDREQ search of JD Euroway Capital Partners LLC                            |
| EXHIBIT P-7  | Copy of Notice of Resumption of First Meeting of Creditors issued by KPMG Inc.      |
| EXHIBIT P-8  | Copy of Debtor's passport   |
| EXHIBIT P-9  | Copy of "Safe Keeping Receipt" issued by Surveillance Mining & Metal Company        |
| EXHIBIT P-10 | Copy of Investment Advisory Contract dated December 8, 2020                         |
| EXHIBIT P-11 | Copy of General Agreement dated December 8, 2020                                    |
| EXHIBIT P-12 | Copy of letter agreement dated December 9, 2020                                     |

- EXHIBIT P-13** Copy of Summary indicating monies earned dated December 8, 2020
- EXHIBIT P-14** Copy of letter dated December 9, 2021
- EXHIBIT P-15** Copies of a letter dated March 24, 2021 and two letters dated April 11, 2022  
*en liasse*
- EXHIBIT P-16** Copy of Statement of Account dated January 15, 2025 from JD Bancorp's website

**COPIES OF ALL EXHIBITS ARE AVAILABLE UPON REQUEST**

**Montreal, May 12, 2025**

(sgd) KUGLER KANDESTIN LLP

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**KUGLER KANDESTIN LLP**  
Attorneys for the Applicant/Creditor,  
Brothers International (UK) Limited

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**Kugler Kandestin LLP, S.E.N.C.R.L.**

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JD EUROWAY BANCORP & TRUST

Debtor

vs.

BROTHERS INTERNATIONAL (UK) LIMITED

Applicant/Creditor

and

KPMG INC.

Proposed Trustee

APPLICATION FOR ISSUANCE OF A BANKRUPTCY  
ORDER, AFFIDAVIT, NOTICE OF PRESENTATION  
and LIST OF EXHIBITS

**COPY FOR: KPMG INC.**  
**Attn: Mr. David Malin, CPA, CIRP, LIT**  
**600 De Maisonneuve Blvd. West, Suite 1500**  
**Montreal, QC, H3A 0A3**

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SIGNIFIÉ LE

14/05/2024  
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