

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. ²¹³ OF 2009

IN THE MATTER OF THE REGISTERED LAND LAW (2004 REVISION)

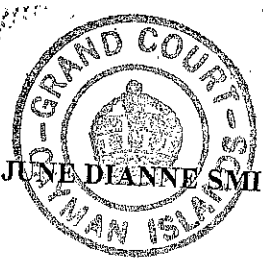
BETWEEN:

PETER A. BROADHURST



Plaintiff

-AND-



JUNE DIANNE SMITH, as administratrix of the estate of ALVEY WILMINGTON SMITH, deceased

Defendant

ORIGINATING SUMMONS

TO: June Dianne Smith, as administratrix of the estate of Alvey Wilmington Smith, deceased.
30704 Seven Mile Beach
Grand Cayman
Cayman Islands

LET THE DEFENDANT of the address set out above attend before the Judge in Chambers, at the Law Courts, George Town, Grand Cayman on the day of 2009 at am/pm for the hearing of an application by the Plaintiff for the following orders:

1. A declaration that the Defendant is in default of payment of the principle sum payable to the Plaintiff and secured by a legal charge, being instrument number 15370/05 registered against the property known as George Town Central No. 14BG Parcel 80 (the "Property") on the 25th of April 2005 and which secures payment of the principal sum of CI\$150,000.00 and interest and costs as specified in the charge and the schedules thereto (the "Charge").
2. That the Charge be enforced by the sale of the Property by private treaty (pursuant to clause 10(b) of the Charge).
3. Determining the terms and conditions of sale by private treaty, if any.
4. Such further or other relief as the Court thinks fit.
5. That the costs and disbursements of the Plaintiff be paid on an indemnity basis pursuant to clause 2.15 of the Charge.

AND LET THE DEFENDANT within 14 days after service of this summons on them, counting the day of service, return the accompanying acknowledgment of service to the Courts Office.

Dated this 30th day of April 2009

Broadhurst Barristers
Broadhurst Barristers
Attorneys-at-Law for the Plaintiff

- NOTE:
1. This Summons may not be served later than 4 calendar months beginning with the above date unless renewed by order of the Court.
 2. If the Defendant does not attend personally or by their attorney at the time and place above mentioned such order will be made as the Court may think just and expedient

IMPORTANT

Directions for Acknowledgement of Service are given with the accompanying form.

This Originating Summons was filed by Broadhurst Barristers, Attorneys-at-Law for the Plaintiff, whose address for service is 40 Linwood Street, P.O. Box 2503 GT, George Town, Grand Cayman, Cayman Islands, B.W.I.

**DIRECTIONS FOR
ACKNOWLEDGMENT OF SERVICE
OF ORIGINATING SUMMONS**

The accompanying form of Acknowledgment of Service should be completed by an Attorney acting on behalf of the Defendant or by the Defendant if acting in person. After completion it must be delivered or sent by post to the Law Courts, P.O. Box 495G, George Town, Grand Cayman.

Notes for Guidance

1. Each Defendant (if there are more than one) is required to complete an Acknowledgment of Service and return it to the Courts Office.
2. If you wish to defend claims made in the originating summons, or intend to attend the proceedings and to participate in them so far as necessary (although not necessarily in an adversarial manner) you should tick the "Yes" box in paragraph 2 of the acknowledgment of service.
3. For the purpose of calculating the period of 14 days for acknowledging service, a writ served on the Defendant personally is treated as having been served on the day it was delivered to him.
4. Where the Defendant is sued in a name different from his own, the form must be completed by him with the addition in paragraph 1 of the words "sued as (the name stated on the Originating Summons)".
5. Where the Defendant is a FIRM and an attorney is not instructed, the form must be completed by a PARTNER by name, with the addition in paragraph 1 of the description "Partner in the firm of (.....)" after his name.
6. Where the Defendant is sued as an individual TRADING IN A NAME OTHER THAN HIS OWN, the form must be completed by him with the addition in paragraph 1 of the description "trading as (.....)" after his name.
7. Where the Defendant is a LIMITED COMPANY the form must be completed by an Attorney or by someone authorized to act on behalf of the Company, but the Company can take no further step in the proceedings without an Attorney acting on its behalf.
8. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian ad litem.
9. Defendant acting in person may obtain help in completing the form at the Courts Office.

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BETWEEN:

PETER A. BROADHURST

Plaintiff

-AND-

JUNE DIANNE SMITH, as administratrix of the estate of ALVEY WILMINGTON SMITH,
deceased

Defendant

ACKNOWLEDGMENT OF SERVICE
OF ORIGINATING SUMMONS

If you intend to instruct an Attorney to act for you, give him this form IMMEDIATELY.

Important

Read the accompanying directions and notes for guidance carefully before completing this form. If any information required is omitted or given wrongly, THIS FORM MAY HAVE TO BE RETURNED.

1. State the full name of the Defendant by whom or on whose behalf the service of the Originating Summons is being acknowledged.
2. State whether the Defendant intends to contest or otherwise participate in the proceedings (tick appropriate box)

[] yes [] no

Service of the Originating Summons is acknowledged accordingly

Signed

[Attorney] for
[Defendant in person]
Address for service:

Notes on address for service

Attorney: where the Defendant is represented by an attorney, state the attorney's place of business in the Cayman Islands. A Defendant may not act by a foreign attorney.

Defendant: in person: where the Defendant is acting in person, he must give his post office box number and the physical address of his residence or, if he does not reside in the Cayman Islands, he must give an address in Grand Cayman where communications for him should be sent. In the case of a limited company, "residence" means its registered principal office.

Indorsement by Plaintiff's Attorney (or by Plaintiff if suing in person) of his name, address and reference, if any, in the box below.

BROADHURST BARRISTERS
Attorneys-at-Law
40 Linwood Street
P.O. Box 2503
Grand Cayman KY1-1104
Cayman Islands

Indorsement by Defendant's Attorney (or by Defendant if suing in person) of his name, address and reference, if any, in the box below.

[Empty box for Defendant's Attorney indorsement]