

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE No.: 0232 of 2009

**IN THE MATTER OF THE ESTATE OF WILMER C. ANDES, DECEASED
AND IN THE MATTER OF SECTION 127 OF THE REGISTERED LAND LAW
(2004 REVISION)
AND IN THE MATTER OF SECTION 25 OF THE SUCCESSION LAW (2006
REVISION)**

BETWEEN:

MR. BYRON CONSTANCE, THE PERSONAL
REPRESENTATIVE FOR THE ESTATE OF WILMER C.
ANDES, DECEASED

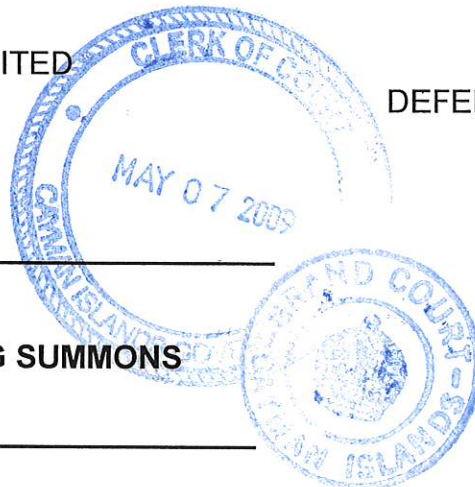
PLAINTIFF

AND

PIRATES CAVES LIMITED

DEFENDANT

ORIGINATING SUMMONS



TO: Pirates Caves Limited
P.O. Box 2180
Grand Cayman – KY1-1105
CAYMAN ISLANDS

LET THE DEFENDANT, within 14 days after service of this Summons on him, counting the day of service, return the accompanying Acknowledgment of Service to the Courts office, P.O. Box 495, George Town, Grand Cayman, KY1-1106, Cayman Islands.

By this Summons which is issued on the application by the Plaintiff of 501 West Lexington Avenue, Independence, Missouri, United States of America, the particulars of which are that:

1. On 2 October 2006, Mr. Wilmer C. Andes ("the deceased"), passed away.
2. On 1 November 2006, the 16th Judicial Circuit Court, Jackson County, Missouri in the United States of America granted probate to Mr. Byron Constance of 3729 S. Union, Independence, Missouri, United States of America as executor pursuant to the true last will dated 17 May 2006 of the deceased.
3. The Honourable Grand Court of the Cayman Islands made a Grant of Re-seal to Mr. Constance on 29 July 2008.
4. This cause is issued against the Defendant because it refuses to lift a caution registered 28 February 2005 entered onto the title of the property Registration section: Lower Valley, Block: 31A Parcel 30 ("the property").
5. The registered proprietor of the property is the deceased.
6. On 12 February 2005, the deceased and the Defendant entered into a contract titled 'Land Sale and Purchase Agreement'.
7. On 4 March 2005, the deceased and the Defendant entered into a document titled 'Addendum to Contract'.

AND the Plaintiff seeks the following:

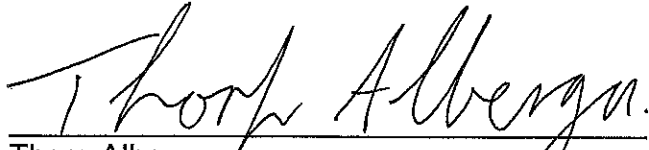
8. A Declaration that the property Registration section: Lower Valley, Block: 31A Parcel 30 is vested in Mr. Byron Constance, the Personal

Representative of the Estate of Mr. Wilmer C. Andes pursuant to Section 25(1) of the *Succession Law* (2006 Revision).

9. The registered title for the property Registration section: Lower Valley, Block: 31A Parcel 30 be amended to name the new registered proprietor as Mr. Byron Constance, the Personal Representative of the Estate of Mr. Wilmer C. Andes.
10. That the Caution registered on 28 February 2005 on the title of the property Registration section: Lower Valley, Block: 31A Parcel 30, be removed pursuant to Section 129(1) of the *Registered Land Law* (2004 Revision).
11. A Declaration that the contract titled 'Land Sale and Purchase Agreement' and dated 12 February 2005 has expired pursuant to clause 3 of it and is void.
12. A Declaration that the deposit paid of USD100,000.00 by the Defendant to the Deceased pursuant clause 13(c) to the contract titled 'Land Sale and Purchase Agreement' and dated 12 February 2005 is non-refundable.
13. A Declaration that the document titled 'Addendum to Contract' and dated 4 March 2005 is void.
14. The Defendant pay the Plaintiff's costs.
15. Any other Orders the Honourable Grand Court thinks fit.

If the Defendant does not acknowledge service, such judgment may be given or order made against or in relation to him as the Court may think just and expedient.

DATED: 7 May 2009



Thorp Alberga
Attorneys-at-Law for the Plaintiff

NOTE: This Summons may not be served later than 4 calendar months (or, if leave is required to effect service out of the jurisdiction, 6 months) beginning with that date unless renewed by order of the Court.

IMPORTANT

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

This Originating Summons was issued by Thorp Alberga, of Harbour Place, 2nd Floor, 103 South Church Street, George Town, P. O. Box 472, Grand Cayman, KY1-1106, Cayman Islands, Attorneys-at-Law for the Plaintiff whose address for service is that of his Attorneys-at-Law (Ref: CMD/C1047-004).

Acknowledgement of service of originating summons (0.10, r.5)

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 495, Grand Cayman, Cayman Islands.

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. A Defendant acting in person may obtain help in completing the form at the Courts Office.

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BETWEEN:

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PLAINTIFF

AND

PIRATES CAVES LIMITED

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 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 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:

Thorp Alberga Attorneys
2nd Floor, Harbour Place
103 S. Church Street
George Town
P.O. Box 472
GRAND CAYMAN KY1-1106
Phone: +1 345 949 0699
Email: cmcduff@thorpalberga.com
Attorney: Mr. Christopher J. McDuff
Ref: CMD/C1047-004

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