

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 0301 OF 2009

BETWEEN:

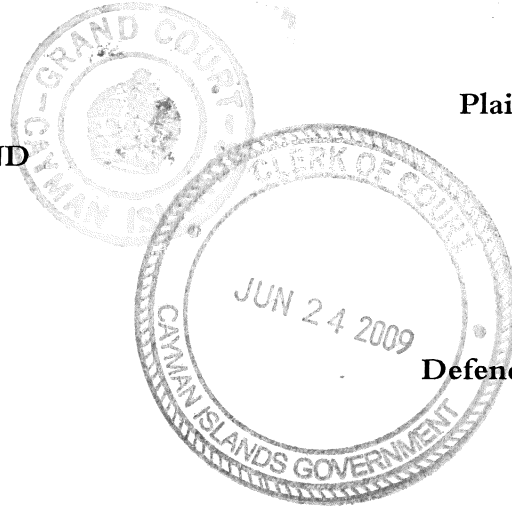
APPLEBY (A FIRM)

Plaintiff

AND

TAI ZI CAPITAL LTD.

Defendant



WRIT OF SUMMONS

TO: Tai Zi Capital Ltd.
c/o Trident Trust Company (Cayman) Limited
P.O. Box 847
One Capital Place, Shedden Road
George Town, Grand Cayman
KY1-1103

THIS WRIT OF SUMMONS has been issued against you the above named Defendant by the above-named Plaintiff in respect of the claim set out on the next page.

Within 14 days after the service of this Writ on you, counting the day of service, you must either satisfy the claim or return to the Court Office, PO Box 495GT, Grand Cayman, the accompanying Acknowledgement of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgement within the time stated, or if you return the Acknowledgement without stating therein an intention to contest the

proceedings, the Plaintiff may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this day of June 2009.

NOTE – This Writ 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 the date of issue unless renewed by order of the Court.

IMPORTANT

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

STATEMENT OF CLAIM

1. The Plaintiff is a firm of attorneys, whose principal place of business is located at PO Box 190, Clifton House, 75 Fort Street, George Town, Grand Cayman, KY1-1104, Cayman Islands.
 2. The Defendant is an exempted company, with its registered office at Trident Trust Company (Cayman) Limited, P.O. Box 847, One Capital Place, Shedden Road, George Town, Grand Cayman, KY1-1103, Cayman Islands.
 3. The Defendant engaged the services of the Plaintiff to advise on Cayman law requirements in connection with the client being admitted to the Alternative Investment Market (hereinafter "AIM") as an investment company including review and verification of certain parties of the AIM admission document and the issue of a Cayman Law legal opinion.
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4. The Plaintiff firm and the Defendant agreed on 28th March 2008 by way of an engagement letter expressly stating *inter alia* the following terms:
 - a. the Plaintiff would provide legal services to the Defendant in the stated transaction;
 - b. the Plaintiff would render invoices for such services based on the time expended on the matter at the billable rates of the attorneys engaged on the file; and,
 - c. The Defendant would pay invoices within 14 days upon rendering.
 5. The Plaintiff did advise on the admission of the Defendant to AIM and the Defendant was successful in their application.
 6. On 29 April 2008 the Plaintiff rendered an interim invoice #284900 in the amount of US\$20,442.15.
 7. A further interim invoice #285912 was rendered on 30 May 2008 in the sum of US\$4,474.17. On 25 June 2008, payment was received from the Defendant in the amount of US\$4,474.17 for invoice #285912.

8. A final invoice #287320 was rendered on 30 June 2008 in the amount of US\$10,979.50 and was sent to the Defendant by email on 3 July 2008 for payment.
9. A payment was made by the Defendant in the amount of \$6,326.65 on 13th November 2008. No further payments have been made toward the outstanding amount.
10. The Defendant has failed to repay the relevant outstanding sums despite a formal demand for payment sent by registered post to the registered office of the Defendant on 12 May 2009.
11. Therefore the Defendant owes the Plaintiff the amount of US\$25,095.00 in accordance with the Terms of Engagement as outlined at paragraph 4 (a) to (c) inclusive.
12. The Plaintiff claims their costs of these proceedings and interest on the above sums owed by each respective Defendant at the rate of interest in accordance with the *Judicature Law (2008 Revision)* and the Judgment Debt (Rates of Interest) Rules as amended from time to time.
13. As a result of the above, the Plaintiff is entitled to the relief claimed against the Defendant.

AND THE PLAINTIFF CLAIM:

1. Principal in the amount of US\$25,095.00;
2. Pre and post Judgment interest from the dates upon which respective invoices were due for payment in accordance with the *Judicature Law (2008 Revision)* and the Judgment Debt (Rates of Interest) Rules as amended from time to time; and,
3. Costs as agreed or taxed.

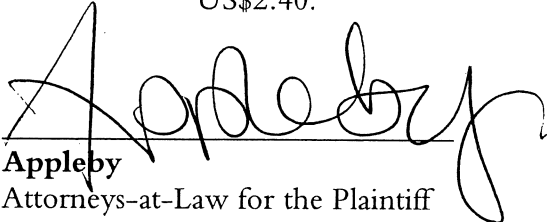
INDORSEMENT

If, within the time for returning the acknowledgement of service, any of the above named Defendant pays the Plaintiff or their attorneys-at-law the total amount claimed in principal, interest against it and the costs of issuing the writ of summons (CI\$200 plus ad valorem of CI\$150.95) (US\$427.99), further proceedings will be stayed. The money must be paid to the Plaintiff or to their attorneys-at-law. If no payment is made, the Plaintiff elects to have costs taxed.

INDORSEMENT REGARDING INTEREST

(Order 6 (2)(e) of the Grand Court Rules)

- i. The rate of interest during the entire relevant period from which the respective invoices were due for payment is 5% in accordance with the *Judicature Law (2008 Revision)* and the Judgment Debt (Rates of Interest) Rules as amended from time to time.
- ii. On the principal sum of US\$25,095.00 owed by the Defendant:
 - a. The total interest claimed as at the date of the issue of the writ of summons is US\$1,446.59; and,
 - b. The amount of interest accruing each day against the Defendant is US\$2.40.


Appleby
Attorneys-at-Law for the Plaintiff

The Plaintiff address for service:

Appleby
Attorneys-at-Law
The Clifton House, 75 Fort Street
P.O. Box 190 GT, Grand Cayman
Tel: 949-4900
Fax: 949-4901
Ref: SH/NB/17217.666

DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE

OF WRIT OF SUMMONS

1. The accompanying form of *Acknowledgment of Service* should be completed by an Attorney acting on behalf of each Defendant or by each Defendant if acting in person.
2. After completion it must be delivered or sent by post to the Law Courts, P.O. Box 495G, George Town, Grand Cayman.
3. A Defendant who states in his Acknowledgment of Service that he intends to contest the proceedings *must also serve a defence* on the Attorney for the Plaintiff (or on the Plaintiff if acting in person).
4. If a Statement of Claim is indorsed on the Writ (i.e. the words "Statement of Claim" appear on the top of page 2), the Defence must be served within 14 days after the time for acknowledging service of the Writ, unless in the meantime a summons for judgment is served on the Defendant.
5. If the Statement of Claim is not indorsed on the Writ, the Defence need not be served until 14 days after a Statement of Claim has been served on the Defendant.
6. If the Defendant fails to serve his defence within the appropriate time, the Plaintiff may enter judgment against him without further notice.
7. A *Stay of Execution* against the Defendant's goods may be applied for where the Defendant is unable to pay the money for which any judgment is entered. If A Defendant to an action for a debt or liquidated demand (i.e. a fixed sum) who does not intend to contest the proceedings states, in answer to Question 3 in the Acknowledgment of Service, that he intends to apply for a stay, execution will be stayed for 14 days after his Acknowledgment, but he must, within that time, *issue a Summons* for a stay of execution, supported by an affidavit of his means. The affidavit should state any offer which the Defendant desires to make for payment of the money by instalments or otherwise.

***See over for notes for guidance
Please complete overleaf***

Notes for Guidance

1. Each Defendant (if there are more than one) is required to complete an Acknowledgement of Service and return it to the Courts Office.
2. 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.
3. 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 Writ of Summons*)".
4. 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.
5. 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.
6. Where the Defendant is a **LIMITED COMPANY** the form must be completed by an Attorney or by someone authorised 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.
7. Where the Defendant is a **MINOR** or a **MENTAL PATIENT**, the form must be completed by an Attorney acting for a guardian *ad litem*.
8. A Defendant acting in person may obtain help in completing the form at the Courts Office.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: OF 2009

BETWEEN:

APPLEBY (A FIRM)

Plaintiff

AND

TAI ZI CAPITAL LTD.

Defendant

ACKNOWLEDGMENT OF SERVICE OF WRIT OF 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.

Delay may result in judgment being entered against a Defendant whereby he may have to pay the costs of applying to set it aside

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1. State the full name of the Defendant by whom or on whose behalf the service of the Writ is being acknowledged.

 2. State whether the Defendant intends to contest the proceedings (*tick appropriate box*)
 yes no

 3. If the claim against the Defendant is for a debt or liquidated demand, AND he does not intend to contest the proceedings, state if the Defendant intends to apply for a stay of execution against any judgment entered by the Plaintiff (*tick box*).
 yes
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Service of the Writ is acknowledged accordingly

(Signed) _____

[Attorney] for
[Defendant in person]

Address for service:

Please complete overleaf