

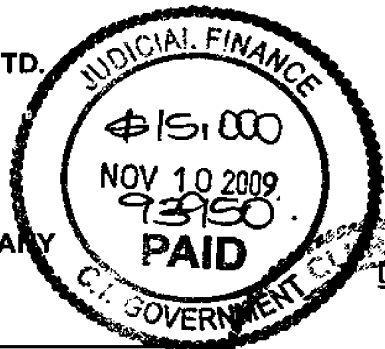
IN THE GRAND COURT OF THE CAYMAN ISLANDS

FD00006.

CAUSE NO: OF 2009

BETWEEN:

HSBC FINANCIAL SERVICES (CAYMAN) LTD.

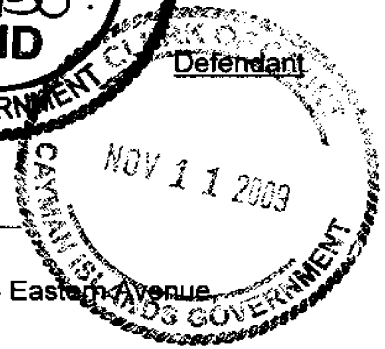


Plaintiff

AND

BRITISH CAYMANIAN INSURANCE COMPANY

Defendant



WRIT OF SUMMONS

TO: British Caymanian Insurance Company, Box 74, Brit Cay House, 236 Eastern Avenue, Georgetown, Grand Cayman, Cayman Islands, KY1-1102

THIS WRIT OF SUMMONS has been issued against you 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 495, George Town, Grand Cayman, KY1-1106, Cayman Islands, the accompanying Acknowledgment of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgment within the time stated, or if you return the Acknowledgment without stating therein an intention to contest the proceedings, the Plaintiffs may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this day of November 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 Acknowledgment of Service are given with the accompanying form.

And the Plaintiff Claims

- (1) A Declaration that it has an equitable interest in respect of all proceeds of insurance paid and/or payable under British Caymanian Insurance Company Limited Policy no. IN 48389, which was in effect in relation to property known as 1590 West Bay Road, Grand Cayman, Cayman Islands from 17 May 2008 until 4:00 p.m. 17 May 2009 ("Policy").
 - (2) Further or alternatively, a Declaration that the Plaintiff be included as a named insured or interested party on the Policy (and/or its schedules), and entitled to recover for any losses insured by the Policy.
 - (3) Further or alternatively:
 - (a) A declaration that the Policy was assigned to the plaintiff during its currency;
 - (b) Damages for breach of the Policy; and,
 - (c) Damages for breach of duty to act in good faith in relation to the Policy.
 - (4) Interest under section 34 of the Judicature Law (2007 Revision) or, alternatively, pursuant to the equitable jurisdiction of the Court.
- (1) Costs.

DATED this day of November 2009



Maples and Calder

THIS WRIT was issued by Maples and Calder, attorneys for the Plaintiff, whose address for service is PO Box 309, Uglund House, Grand Cayman, KY1-1104, Cayman Islands. (Ref: MWI/JQC/618050/17695336)

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: OF 2009

BETWEEN:

HSBC FINANCIAL SERVICES (CAYMAN) LTD.

Plaintiff

AND

BRITISH CAYMANIAN INSURANCE COMPANY

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.

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

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

Service of the Writ is acknowledged accordingly

[Attorney] for

Dated:

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 or principal office.

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

Maples and Calder
Attorneys-at-Law
Ugland House
South Church Street
PO Box 309 GT
George Town
Grand Cayman
Ref: MWI/JQC/618050

Indorsement by Defendants' 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]

DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE OF WRIT OF 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 495GT, 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 Writ of 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 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.
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.