

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 101 OF 2010

IN THE MATTER OF: SECTION 77 OF THE REGISTERED LAND LAW (2004 REVISION)

AND IN THE MATTER OF: AN APPLICATION BY FIRSTCARIBBEAN INTERNATIONAL BANK (CAYMAN) LIMITED AS CHARGEES OVER CERTAIN PROPERTY FOR AN ORDER DIRECTING THAT IT BE PERMITTED TO SELL THE PROPERTY BY WAY OF PRIVATE TREATY

BETWEEN: FIRSTCARIBBEAN INTERNATIONAL BANK (CAYMAN) LIMITED PLAINTIFF

AND: TRICIA WHITTAKER (1) DEFENDANTS  
JESSICA THOMPSON (2)

**ORIGINATING SUMMONS**

LET THE DEFENDANTS attend before the Judge in Chambers, at the Law Courts, George Town, Grand Cayman on the \_\_\_\_\_ day of \_\_\_\_\_ 2010, at \_\_\_\_\_ o'clock on the hearing of an application by the Plaintiff for orders that:

1. This Honourable Court sanction the variation/addition of section 75 of the Registered Land Law (2004 Revision) thereby permitting the Plaintiff to rely upon the terms of the charge as subsequently varied by the Variation of Charge executed by the Defendants in favour of CIBC Bank and Trust Company (Cayman) Ltd now known as the Plaintiff on 23 October 2000 and registered in the Land Registry on 16 January 2001 ("the Charge") over the property registered as Midland East, Block 59B, Parcel 2 ("the Property") including the power contained in paragraph 13 being the power to sell by private treaty.
2. The Plaintiff be permitted to foreclose or enter into possession of the Property in accordance with the power contained in paragraph 13 of the Variation of Charge.
3. That a confidential reserve price of CI \$210,000.00 be fixed in respect of the sale of the Property.

4. The Plaintiff be awarded its costs of this application from the proceeds of sale of the Property.
5. There be liberty to apply to vary this Order by reducing the reserve price for the Property.

AND LET THE DEFENDANTS within 28 days after service of this summons on him counting the day of service, return the accompanying Acknowledgement of Service form to the Courts Office, PO Box 495GT, George Town, Grand Cayman.

DATED the     day of February 2010

*Walkers*

---

**WALKERS**  
Attorneys at Law for the Plaintiff

NOTE - This Summons may not be served later than 4 calendar months beginning with the above date unless renewed by order of the Court.

If the defendants do 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 Acknowledgment of Service are given with the accompanying form.

To:            The Clerk of the Court

AND TO:       The Defendants  
**TRICIA WHITTAKER**  
**JESSICA THOMPSON**

TIME ESTIMATE:    The length of the hearing of this Originating Summons is estimated at 15 minutes.

This Originating Summons is issued by Walkers, Attorneys at Law, Walker House, 87 Mary Street, George Town, Grand Cayman, KY1-9001, Cayman Islands for the Plaintiff whose address for service is care of their said Attorneys at Law.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: OF 2010

IN THE MATTER OF: SECTION 77 OF THE REGISTERED LAND LAW (2004 REVISION)

AND IN THE MATTER OF: AN APPLICATION BY FIRSTCARIBBEAN INTERNATIONAL BANK (CAYMAN) LIMITED AS CHARGEES OVER CERTAIN CHARGED PROPERTY FOR AN ORDER DIRECTING THAT THE PLAINTIFF BE PERMITTED TO SELL THE PROPERTY BY WAY OF PRIVATE TREATY

Between: FIRSTCARIBBEAN INTERNATIONAL BANK (CAYMAN) LIMITED Plaintiff

and: TRICIA WHITTAKER (1) JESSICA THOMPSON (2) Defendants

**ACKNOWLEDGEMENT 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.

**Please complete overleaf**

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.