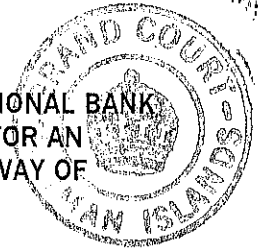


IN THE GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION

CAUSE NO 161 OF 2010

IN THE MATTER 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 THAT IT BE PERMITTED TO SELL THE PROPERTY BY WAY OF
PRIVATE TREATY AND FOR POSSESSION

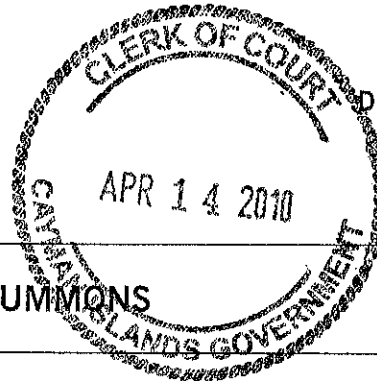


BETWEEN: FIRSTCARIBBEAN INTERNATIONAL BANK (CAYMAN) LIMITED

PLAINTIFF

AND: DENNY'S LTD

DEFENDANT



ORIGINATING SUMMONS

LET THE DEFENDANT 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 variations of collateral charges (collateral to a debenture) variously executed by the Defendant in favour of the Plaintiff on 20 March 2008 and 22 May 2008 and registered in the Land Registry on 28 March 2008 and 6 June 2008 ("the Collateral Charges") over the properties registered as Prospect, Block 22D, Parcels 306, 307, 308, 310, 314, 317H1, 317H2, 317H3, 317H4H3, 317H4H4, 317H6H1, 317H6H2, 317H6H3, 317H6H4, 317H7H1, 317H7H2, 317H9H1 and 317H9H2 ("the Properties") including the power contained in paragraph 9 (iv) of the Schedules to the Collateral Charges being the power to sell by private treaty.
2. The Defendant and any other person/s occupying the Properties shall within 60 days of the date of this Order vacate the Properties and take all steps to give the Plaintiff vacant possession of the Properties. In the event that the Defendants or any other person

occupying the Properties do not vacate the Properties within 60 days of the date of this Order the Plaintiff shall thereafter be at liberty to enter the Properties and take possession thereof.

3. The Plaintiff is hereby granted leave to issue a Writ of Possession commanding the Bailiff to enter into/onto the Properties and to cause the Plaintiff to have possession of them.
4. That a cumulative reserve price of CI\$3,773,000.00 be fixed in respect of the sale of the Properties, with each parcel comprising the Properties to be sold for not less than the restricted marketing period price indicated in the Plaintiff's affidavit filed in support hereof.
5. The Plaintiff be awarded its cost of this application from the proceeds of sale of the Properties and that should there be any shortfall in the amount due to the Plaintiff after the sale of the Properties the Plaintiff shall be at liberty to enter Judgment for the said shortfall, together with interest and costs
6. There be liberty to apply to vary this Order by reducing the reserve price for the Properties.

AND 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, PO Box 495, George Town, Grand Cayman, KY1-1106, Cayman Islands.

Dated the 14th day of April 2010


CHARLES ADAMS RITCHIE & DUCKWORTH
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 Defendant**
 Denny's Ltd
 PO Box 186
 Grand Cayman, KY1-1701
 Cayman Islands

TIME ESTIMATE: The estimated length of the hearing of this motion is 1 hour.

This Originating Summons was filed by Charles Adams Ritchie and Duckworth, Attorneys-at-Law for and on behalf of the Plaintiff herein whose address for service is, 2nd Floor Zephyr House, 122 Mary Street, PO Box 709, George Town, KY1-1107, Grand Cayman, Cayman Islands.

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 or 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.

Charles Adams Ritchie & Duckworth
2nd Floor Zephyr House
122 Mary Street
PO Box 709
George Town
Grand Cayman KY1-1107
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.

**DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE
FOR 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, George Town, PO Box 495, Grand Cayman, KY1-1106, Cayman Islands.

1. Each Defendant (if there is 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 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.