

IN THE GRAND COURT OF THE CAYMAN ISLANDS, CIVIL DIVISION

CAUSE NO. 204 OF 2010

In the matter of Sections 72, 73 and 77 of The Registered Land Law (2004 Revision)

BETWEEN: CAYMAN NATIONAL BANK LTD.

PLAINTIFF

AND: SAND & SEA DEVELOPMENT LTD.

DEFENDANT

**ORIGINATING SUMMONS**

LET THE DEFENDANT of P.O. Box 463, Grand Cayman, KY1-1106, Grand Cayman, attend before a 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 of P.O. Box 1097, Grand Cayman, KY1-1102, Cayman Islands, that the **Plaintiff** [the registered proprietor of a charge, registered originally on 25 October 2006 (and subsequently varied) (hereinafter the "Charge"), over land registered under the Registered Land Law (2004 Revision) (hereinafter the "RLL") being Registration Section West Bay North West, Block 4B, Parcel 51 (hereinafter the "Property") and the Property being the subject matter of the development by the Defendant of an 18 unit condominium complex (hereinafter the "Development")] be granted the following orders:

1. giving effect, pursuant to Section 77 of the RLL, to the variations and additions contained in clauses 7 and 9 of the Charge so that the Plaintiff;
  - (a) may issue this Originating Summons in the expedited form without the three month time period stipulated in Section 72(2) of the RLL having expired;
  - (b) shall have the right to appoint a receiver of the Property and Development with the following powers as agent of the Defendant:
    - (i) those granted to a receiver by Section 73 of the RLL;
    - (ii) to enter into possession of the Property and Development;
    - (iii) to have the Development completed in a good and workmanlike manner in accordance with the approved plans and applicable laws;
    - (iv) to have registered a strata plan for the Property and Development, to have the condominium corporation created and the strata lots registered in accordance with the Strata Titles Registration Law (2005 Revision);
    - (v) to market and sell by private treaty or lease the units/strata lots at then prevailing market rates or prices in the Cayman Islands;

- (vi) to receive and/or demand payment from and do or perform, or have performed, all other acts which may be necessary or desirable to vest private title absolute in those persons who have entered into or will enter into agreements of purchase and sale for units/strata lots after the date of the order requested;
  - (vii) to agree with the Plaintiff as to the remuneration for acting as receiver; and
  - (viii) to do or perform, or have performed, all acts which he deems necessary or desirable for the proper enforcement and protection of the Plaintiff's rights under the Charge and/or for the carrying out of the aforementioned powers;
2. making an order that the Court file in this Cause be closed and not open to inspection by any person other than the Plaintiff and the Defendant, except with the prior leave of the Court, notice of such application for leave having been given to the Plaintiff and the Defendant; and
  3. such further and other orders to which the Defendant may agree and/or to this Honourable Court may seem just, including an order that there be no costs of the application.

**AND LET THE DEFENDANT** within [14 days] after service of this summons on him counting the day of service, return the accompanying Acknowledgement of Service to the Courts office.

Dated the 25<sup>th</sup> day of May 2010.

*Bodden & Bodden*

**BODDEN & BODDEN,  
Attorneys-at-Law for the Plaintiff**

**NOTES:-**

- (1) 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 the above date unless renewed by order of the Court.
- (2) If a defendant does not attend personally or by his attorney at the time and place above-mentioned such order will be made as the Court may think just and expedient.

**IMPORTANT**

Directions for acknowledgement of service are given with the accompanying form.

This **Originating Summons** was issued by Bodden & Bodden, Attorneys-at-Law for the Plaintiff, whose address for service is P.O. Box 10335, Grand Cayman, KY1-1003, Cayman Islands, 802 West Bay Road, The Grand Pavilion Commercial Centre, Te. 345-943-0303 Ext 261 (Paul Simon)

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**DIRECTIONS FOR ACKNOWLEDGEMENT 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, George Town, KY1-1106, 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 Originating Summons)".

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

BODDEN & BODDEN,  
Attorneys-at-Law for the Plaintiff,  
P.O. Box 10335, 802 West Bay  
Road, The Grand Pavilion  
Commercial Centre, KY1-1003,  
Cayman Islands Tel. 345-943-0303  
Ext 261 (P. Simon)

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

