

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 286 OF 2010

In the matter of the Registered Land Law (2004 Revision)

BETWEEN: FIDELITY BANK (CAYMAN) LIMITED PLAINTIFF
AND BARRINGTON BENNETT FIRST DEFENDANT
CAROL BENNETT SECOND DEFENDANT

ORIGINATING SUMMONS

LET THE PARTIES attend before a Judge in Chambers, at the Law Courts, George Town, Grand Cayman on the day of 2010 at 9:30 a.m. on the hearing of an application by the Plaintiff for an order that:

1. This Honourable Court do sanction and permit the sale by private treaty of all the properties registered in the Cayman Islands Land Register with absolute title and being particularly known as Registration Section Savannah, Block 28B, Parcel 261, Registration Section Savannah, Block 28E, Parcel 106H3 and Registration Section Savannah, Block 28E, Parcel 106H5 (“the properties”) by the Plaintiff as Chargee with a power of sale over the properties.
2. The Defendant and any other person occupying the properties, within 28 days of this Order, vacate the properties and take all appropriate steps to give the Plaintiff vacant possession of the properties.
3. The Plaintiff do have leave to issue a Writ of Possession in relation to the properties at the expiry of the 28 days referred to in paragraph 2 above.

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.

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

**Campbells, (Ref:STM/CGM/17030)
P O Box 884
George Town
Grand Cayman**

**Tel: 949 2648
Fax: 949 8613**

Endorsement 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
OF ORIGINATING SUMMONS

The accompanying form of Acknowledgement 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 495G, George Town, Grand Cayman

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. If you wish to defend claims made in the originating summons, or intend to attend the proceedings and to participate in them as far as necessary (although not necessarily in an adversarial manner) you should tick the "Yes" box in paragraph 2 of the acknowledgement of service.
3. For the purposes 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 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 his 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