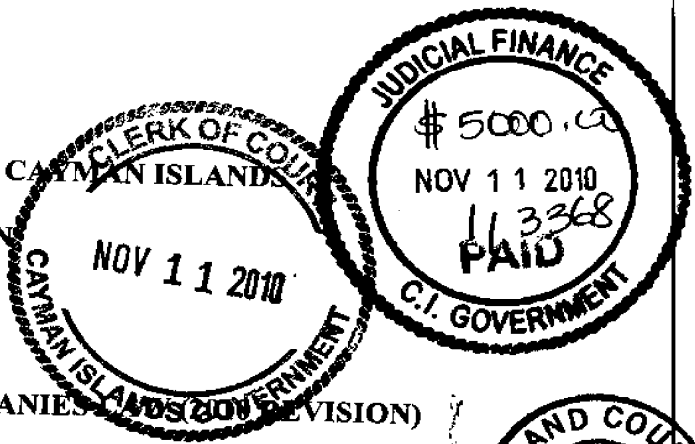
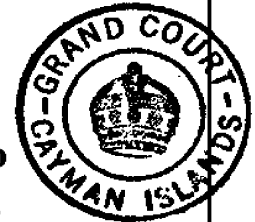


IN THE GRAND COURT OF THE CAYMAN ISLANDS  
FINANCIAL SERVICES DIVISION  
CAUSE NO FSD 0247 OF 2010



IN THE MATTER OF THE COMPANIES (REGISTRATION DIVISION)  
AND  
IN THE MATTER OF CARIBBEAN ISLAND DEVELOPMENTS LTD



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**WINDING UP PETITION**

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**TO THE GRAND COURT**

The humble petition of Cheryl Casagrande and Virginia Larocco ("the Petitioners"), 133 Autumn Ridge Road, Bedminster, New jersey, USA 07921

- 1 Caribbean Island Developments Ltd ("the Company") was incorporated as a resident company in the Cayman Islands on 29<sup>th</sup> June 2006, registration number 169666. The current registered office of the company is Bodden Corporate Services Ltd (BCSL), PO Box 10335, Grand Cayman KY1-1003, Cayman Islands.
- 2 The Petitioner believes that the Company is engaged in the development of land and in particular the construction of a development known as The Islands Resort and Residences at Colliers Block 73A Parcels 29,30,31, 69 and 79.
- 3 The Company is indebted to the Petitioner in the sum of US\$423,380.24 in respect of an agreement of purchase and Sale dated the 8<sup>th</sup> day of January 2008 ("the Agreement")
  - a. On 8<sup>th</sup> January 2008 the Petitioner entered into a contract for the sale and purchase of number 330 Islands Resorts and Residences (being part of Block 73A parcels 29, 30, 31, 69 and 79 of the Colliers Registration Section of Grand Cayman with the Respondent Company, Caribbean Island Developments Ltd.

- b. On 8 January 2008 in consideration of the Agreement the Creditors jointly paid a total sum of US\$382,000 representing 40% of the purchase price to the Company. This represented a sum referred to as the Deposit.
- c. Clause 3.2 of the Contract states, *inter alia*: “In the event that the [Company] has not by the 30<sup>th</sup> day of September, 2010:
  - 3.2.1 completed construction of the [Property]; and
  - 3.2.2 completed the registration of a Strata Plan in connection with the Development; and
  - 3.2.3 received from Registrar of Lands notification that a register has been opened for the [Property]; and
  - 3.2.4 received a Certificate of Fitness for Occupancy for the [Property] from the Central Planning Authority of the Cayman Islands

or in the event either that the [Company] has not commenced construction of the Development by the 01<sup>st</sup> March, 2008, or that the items set out in subclauses 3.2.1 to 3.2.4 inclusive, have not been achieved or are not available by the 01<sup>st</sup> day of September 2010 then either party may by notice in writing to the other terminate this Agreement whereupon the Purchaser shall be entitled to the return of all monies paid hereunder together with interest thereon at the Contract Rate for the period from the date such monies were paid until the date of repayment to the Purchaser...”

- d. The [Company] has not commenced construction of the Development to today's date. Further the items set out in subclauses 3.2.1 to 3.2.4 are not available by 1<sup>st</sup> September 2010.

- 4 By a letter dated June 25 2010 the Creditors terminated the Agreement in accordance with the foregoing and demanded repayment by 9 July 2010 of all amounts paid under the contract (US\$382,000) together with interest thereon. A schedule of the interest was appended to the letter. The Company's attorney, Bodden and Bodden, accepted the sums were due by email to the Petitioner's attorneys, dated 28 June 2010.

- 5 On the 7<sup>th</sup> day of September 2010 the Petitioner served on the Company, by leaving it at the Company's registered office a demand under his hand requiring the Company to pay the said sum, which demand was in the prescribed form.
- 6 Over 3 weeks have now elapsed since the Petitioner served the said demand, but the Company has neglected to pay or satisfy the said sum or any part thereof or to make any offer to the Petitioner to secure or compound the same.
- 7 The Company, by its agent Michael Beggs, indicated by email dated 5 October 2010 indicated that the company was insolvent.
- 8 The Company is insolvent and unable to pay its debts.

The Petitioner therefore prays as follows:

- (1) that Caribbean Island Developments Ltd number 169666 be wound up by the Court under the provisions of the Companies Law (2010 Revision);
- (2) Michael Saville of Begbies Traynor Cayman Limited, 5<sup>th</sup> Floor Genesis Building, PO Box 679 Grand Cayman, KY1-1107 be appointed as Official Liquidator of the Company.
- (3) The Official Liquidators not be required to give security for their appointment;
- (4) The Official Liquidator be authorised to take such steps as may be necessary or expedient for the protection of the Company's assets, and for that purpose may exercise any of the power specified in the Companies Law (2010) Revision without further sanction of the Court, and for the avoidance of doubt such powers may be exercised within and outside the Cayman Islands, Specifically, but without prejudice to the generality of the foregoing, the Official Liquidators shall have the power

- a. To bring or defend any action or other legal proceeding in the name of an on behalf of the Company;
- b. To take possession of, collect and get in the property of the company and for that purpose take all such proceedings as they consider necessary;
- c. To carry on the business of the Company so far as may be necessary for its beneficial winding up;
- d. To engage Attorneys and other professional qualified persons to assist them in the performance of their functions; and
- e. To engage staff whether or not as employees of the Company) to assist them in the performance of their functions.
- f. The Official Liquidators be at liberty to apply for further direction concerning their functions and the exercise or proposed exercise of their powers;

(5) No suit, action or other proceeding may be proceeded with or commenced against the Fund except with the leave of the Court and subject to such terms as the Court may impose;

(6) The remuneration and expense of the Official Liquidators be paid out of the assets of the Company;

(7) The Petitioners costs of and incidental to this Petition be paid from the assets of the Company as expenses within the liquidation; and

(8) That such other order may be made as the Court thinks fit.

AND your Petitioners will ever pray etc

Dated the 15<sup>th</sup> day of October 2010

*Priestleys*

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**PRIESTLEYS**

NOTE: It is intended to serve this Petition on the Company and the Company's attorneys Bodden and Bodden, Grand Pavilion Commercial Centre, 802 West Bay Road, PO Box 10335, Grand Cayman KY1-1003.

**NOTICE OF HEARING**

**Take Notice** that the hearing of this petition will take place at the Law Court, George Town, Grand Cayman on the            day of            2010 at            am/pm.

Any correspondence or communication with Court relating to the hearing of this petition should be addressed to the Registrar of the Financial Service Division of the Grand Court at PO Box 495, Grand Cayman KY1-1106, telephone 345 949 4296.

This Petition was filed by Priestleys, Attorneys-at-Law, for and on behalf of the Petitioners whose address for service is PO Box 30310, Units 11 & 12, Galleria Plaza, 638 West Bay Road, Grand Cayman, Cayman Islands, KY1-1202