

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 431 of 2010

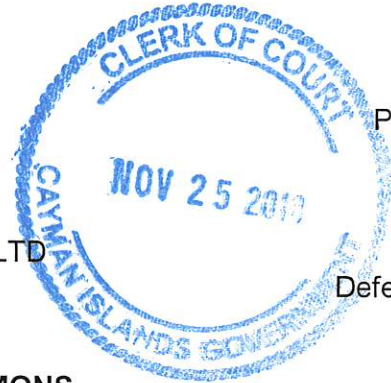
IN THE MATTER OF: SECTION 77 OF THE REGISTERED LAND LAW (2004 REVISION)

AND IN THE MATTER: OF AN APPLICATION BY VIVIAN HERNANDEZ AS CHARGEES OVER CERTAIN PROPERTY FOR AN ORDER DIRECTING THAT SHE BE PERMITTED TO SELL THE PROPERTY BY WAY OF PRIVATE TREATY

BETWEEN:-



VIVIAN HERNANDEZ



Plaintiff

AND:

B.Y.T.R. CORPORATION LTD

Defendant

### ORIGINATING SUMMONS

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

1. This Honourable Court do 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 First Charges executed by the Defendant in favour of the Plaintiff on 15 July 2008 and registered in the Land Registry on 27 August 2008 ("the Charges") over the properties registered as North Side, Block 49C, Parcels 23 and 28 ("the Properties"), including the power contained in paragraph 7 of Schedule 3 thereto being the power to sell by private treaty.
2. That a confidential reserve price of CI\$280,000 be fixed in respect of the sale of Parcel 23 and CI\$802,000 in respect of the sale of Parcel 28.
3. That the Plaintiff be awarded the costs of this application from the proceeds of sale of the Properties;
4. That there be liberty to apply to vary this Order by reducing the confidential reserve price for the Properties.

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

DATED the        day of November 2010.

*Walker*

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**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 Directors  
B.Y.T.R. Corporation Limited  
c/o Cayman International Corporate & Marine Services Ltd  
P.O. Box 822  
2nd Floor Jack & Jill Bldg  
19 Fort Street  
Grand Cayman KY1-1103  
CAYMAN ISLANDS

TIME ESTIMATE: The estimated length of the hearing of this summons is 30 minutes.

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

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BETWEEN:-

VIVIAN HERNANDEZ

Plaintiff

AND:

B.Y.T.R. CORPORATION LTD

Defendant

**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.

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1. State the full name of the Defendant by whom or on whose behalf the service of the Originating Summons is being acknowledged.

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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.

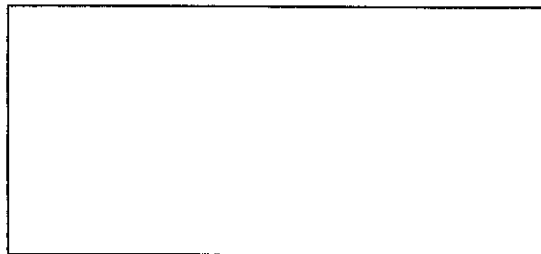
Defendant in person: where the Defendant is acting in person, he must give his post office box number and the physical address of his residence or, if he does not reside in the Cayman Islands, he must give an address in Grand Cayman where communications for him should be sent. In the case of a limited company, "residence" means its registered principal office.

**Please complete overleaf**

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

Walkers  
Attorneys at Law  
Walker House  
87 Mary Street  
George Town  
Grand Cayman KY1-9001  
  
Ref: NPD/18702

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 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, PO Box 495GT, George Town, 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 28 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*.

A Defendant acting in person may obtain help in completing the form at the Courts Office.