

IN THE GRAND COURT OF THE CAYMAN ISLANDS
FINANCIAL SERVICES DIVISION

FSD NO: 77 OF 2011

IN THE MATTER OF DUET REAL ESTATE PARTNERS 1 LP

AND IN THE MATTER OF COMPANIES LAW (2010 REVISION)

BETWEEN:

DUET REAL ESTATE PARTNERS 1 LP



Applicant

AND

ESO CAPITAL LUXEMBOURG HOLDINGS II S.A.R.L

Respondent



ORIGINATING SUMMONS

TO: ESO Capital Luxembourg Holdings II S.a.r.l.
c/o 89 Nexus Way, Camana Bay, Cayman Islands

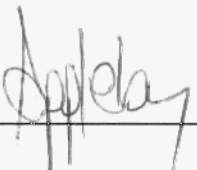
LET THE Respondent, within 14 days after service of this Summons on it, counting the day of service, return the accompanying Acknowledgment of Service to the Courts office, PO Box 495, George Town, Grand Cayman KY1-1104.

By this Summons, which is issued on the application of the Applicant, Duet Real Estate Partners 1 LP, Walkers House, 87 Mary Street, George Town, Grand Cayman, the Applicant seeks:

1. A declaration that there is a genuine and substantial dispute concerning the debts claimed by the Respondent to be owing to it by the Applicant in the two statutory demands dated 5 April 2011 and served on 8 April 2011, for €21,874,592 and €50,755,184.18 respectively (the "Dispute").
2. An order that the Respondent be restrained from issuing any petition to wind up the Applicant based on the said sums of €21,874,592 and €50,755,184.18 claimed in the said statutory demands dated 5 April 2011 and served on 8 April 2011 or either of them.
3. Further or alternatively, an order that the Respondent be restrained from issuing any petition to wind up the Applicant until such time as the Dispute is resolved by way of LCIA arbitrations initiated by the Applicant on 12 April 2011 or such other arbitration as may be initiated in order to resolve the Dispute pursuant to the arbitration agreement between the parties.
4. An order that the costs of this action be provided for.

If the Respondent does not acknowledge service, such judgment may be given or order made against or in relation to him as the Court may think just and expedient.

Dated the 21st day of April 2011



APPLEBY
Attorneys-at-Law for the Applicant

NOTE – This Summons may not be served later than 4 calendar months (or, if leave is required to serve out of the jurisdiction, 6 months) beginning with that date unless renewed by order of the Court.

IMPORTANT

Directions for Acknowledgment of Service are given with the accompanying form.

THIS ORIGINATING SUMMONS WAS ISSUED by Appleby, Attorneys-at Law for the Plaintiff, whose address is Clifton House, 75 Fort Street, PO Box 190, Grand Cayman KY1-1104, Cayman Islands (Ref. JW/THW/403264.0001)

**DIRECTIONS FOR ACKNOWLEDGEMENT 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, PO Box 495 GT, George Town, Grand Cayman KY1-1104.

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 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.

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ACKNOWLEDGMENT OF SERVICE
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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

Date: _____ 2011

Attorneys for Respondent

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.

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

Appleby
Attorneys-at-Law
Clifton House
75 Fort Street
PO Box 190
Grand Cayman KY1-1104
Ref: 403264.0001

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