

IN THE GRAND COURT OF THE CAYMAN ISLANDS, CIVIL DIVISION

CAUSE NO. *GO154* OF 2011

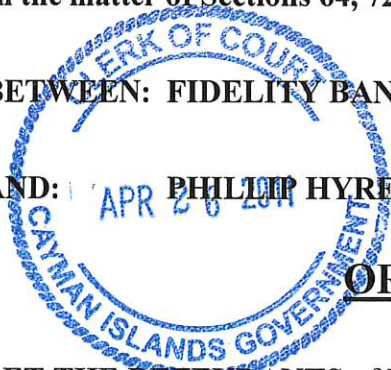
In the matter of Sections 64, 72, 73 and 77 of The Registered Land Law (2004 Revision)

BETWEEN: FIDELITY BANK (CAYMAN) LTD.

PLAINTIFF

AND: PHILIP HYRE AND KEVON HYRE

DEFENDANTS



ORIGINATING SUMMONS

LET THE DEFENDANTS of P.O. Box 1671, Grand Cayman, KY1-1109, Grand Cayman, attend before a Judge in Chambers, at the Law Courts, George Town, Grand Cayman on the _____ day of _____ 2011, at _____ o'clock, on the hearing of an application by the Plaintiff of P.O. Box 914, Grand Cayman, KY1-1103, Cayman Islands, that the Plaintiff, being the registered proprietor of a charge registered over land registered under the Registered Land Law (2004 Revision) (hereinafter the "RLL") being Registration Section George Town East, Block 20E, Parcel 80REM1 ("Property 1" and "Charge 1") **and** being the registered proprietor of collateral spread first and second charges over land registered under the RLL being Registration Section Prospect, Block 22E, Parcel 412H1 ("Property 2" and "Charge 2") and Registration Section Prospect, Block 22E, Parcel 412H8 ("Property 3" and "Charge 3") (collectively, the "Properties" and the "Charges"), and wishing to have developed Property 1 for the purpose of affordable housing (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 10 and 11 of the Charges so that the Plaintiff;
 - (a) may issue this Originating Summons in the expedited form;
 - (b) shall have the right to appoint a receiver of the Properties with the following powers, instead of the Defendants, as agent of the Defendants and as an officer of this Court:
 - (i) those granted to a receiver by Section 73 of the RLL;
 - (ii) to enter into possession of the Properties;
 - (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, in his discretion, a strata plan for Property 1 and the 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 houses/units/strata lots, as the case may be, on Property 1, in the Development, on Property 2 and on Property 3;
 - (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 houses/units/strata lots on Property 1 and in the Development 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 Charges and 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 Defendants, except with the prior leave of the Court, with prior notice of such application for leave having to be and having been given to the Plaintiff and the Defendants; and
 3. such further and other orders to which the Defendants 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 DEFENDANTS within [14 days] after service of this summons on them, counting the day of service, return the accompanying Acknowledgement of Service to the Courts office.

Dated the 26th day of April 2011.



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, Tel. 345-943-0303 Ext 261 (Paul Simon)

IN THE GRAND COURT OF THE CAYMAN ISLANDS, CIVIL DIVISION

CAUSE NO. 60154 OF 2011

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

BETWEEN: **FIDELITY BANK (CAYMAN) LTD.**

PLAINTIFF

AND: **PHILLIP HYRE AND KEVON HYRE.**

DEFENDANTS

**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 Defendants or by the Defendants 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)".

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.

This Acknowledgement of Service Originating Summons was prepared 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, Tel. 345-943-0303 Ext 261 (Paul Simon)

IN THE GRAND COURT OF THE CAYMAN ISLANDS, CIVIL DIVISION

CAUSE NO: G0154 OF 2011

BETWEEN: **FIDELITY BANK (CAYMAN) LTD.** PLAINTIFF

AND: **PHILLIP HYRE AND KEVON HYRE** DEFENDANTS

**ACKNOWLEDGMENT 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.

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

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.

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.

