

IN THE GRAND COURT OF THE CAYMAN ISLANDS, CIVIL DIVISION

CAUSE NO: 296 OF 2011

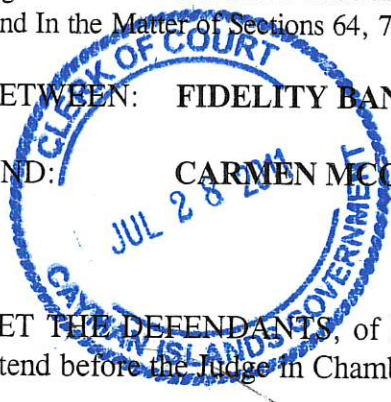
In the Matter of a Charge, being Instrument No. 3758/04, registered on 27 April 2004 on title to land being Registration Section Spotts, Block 25B, Parcel 135, and subsequently Transferred to the Plaintiff by Instrument 15853, registered on 27 November 2008 and varied by Instruments 15854/08 and 14754/10 registered on 27 November 2008 and 11 January 2011, respectively ;
And In the Matter of Sections 64, 72, 75, 76 and 77 of the Registered Land Law (2004 Revision)

BETWEEN: FIDELITY BANK (CAYMAN) LIMITED

PLAINTIFF

AND: CARMEN MCCRAE and WINSTON SEY

DEFENDANTS



ORIGINATING SUMMONS

LET THE DEFENDANTS, of P.O. Box 220, Bodden Town, Grand Cayman, Cayman Islands, attend before the 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 this Honourable Court make the following orders:

1. that the Plaintiff, pursuant to Section 77 of the Registered Land Law (2004 Revision) (the "Law"), shall have leave to dispense with a public auction for the sale of Registration Section Spotts, Block 25B, Parcel 135 (the "Charged Property");
2. that the Plaintiff, pursuant to Section 77 of the Law, acting in good faith and having due regard to the interest of the Defendants, shall have leave to sell the Charged Property by private treaty without a reserve price;
3. that the Plaintiff shall have leave to retain, out of the proceeds of said sale by private treaty, the principal amount outstanding on the charge, being Instrument No. 3758/04, registered on 27 April 2004 on title to the Charged Property, and subsequently Transferred to the Plaintiff by Instrument 15853 registered on 27 November 2008 and varied by Instruments 15854/08 and 14754/10 registered on 27 November 2008 and 11 January 2011, respectively (the "Charge"), accrued interest at the rate stated in the Charge and the costs of this proceeding on an indemnity basis; and
3. that the Plaintiff shall be entitled to such further and other orders as to this Honourable Court may seem just.

AND LET THE DEFENDANTS, within 14 days after service of this summons on them, counting the day of service, return the accompanying Acknowledgment of Service to the Courts office.

^{p.s.}
Dated the 27th day of July 2011

Bodden & Bodden

[Signature of Plaintiff or his Attorney]

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 Acknowledgment 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 802 West Bay Road, The Grand Pavilion Commercial Centre, P.O. Box 10335, Grand Cayman, KY1-1003, Cayman Islands, Tel. 345-943-0303 Ext 261

Acknowledgement of service of originating summons (0.10, r.5)

**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, 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.

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CAUSE NO: OF 2011

BETWEEN: FIDELITY BANK (CAYMAN) LIMITED PLAINTIFF

AND: CARMEN MCCARE and WINSTON SEY 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 the Defendant or

[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, P.O. Box 10335, Grand Cayman, KY1-1003, 802 West Bay Road, The Grand Pavilion Commercial Centre
Attorneys-at-Law for the Plaintiff

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

