

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: **346** OF 2011

IN THE MATTER OF THE REGISTERED LAND LAW (2004 REVISION)

BETWEEN:

**BUTTERFIELD BANK (CAYMAN) LIMITED**



AND:

1. MIGUEL GOMEZ
2. XIOMARA MIRANDA
3. WILLIAM GOMEZ MIRANDA



**PLAINTIFF**

**DEFENDANTS**

ORIGINATING SUMMONS

TO:

Miguel Gomez  
PO Box 39 GT  
Grand Cayman KY1-1101  
Cayman Islands

Xiomara Miranda  
PO Box 39 GT  
Grand Cayman KY1-1101  
Cayman Islands

William Gomez Miranda  
PO Box 39 GT  
Grand Cayman KY1-1101  
Cayman Islands

**LET THE DEFENDANTS** of the address set out above 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 70, Grand Cayman KY1-1107, Cayman Islands for the following orders:

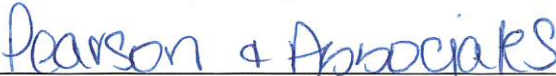
1. That a declaration be made that the Defendants are in default of payment of the principal sum payable under the following:
  - Charge registered on 2 September 2002 and shown by instrument # 6122/02; made between the Defendants and the Plaintiff (the "**Charge**"), by virtue of which the property in the Registration Section **West Bay North West, Block 1D, Parcel 611** (the "**Property**") was charged by the Defendants by way of legal charge in favour of the

Plaintiff to secure the principal sum of CI\$87,000.00 and interest at the rate specified in the schedules thereto.

2. That a declaration be made that the Defendants are in default of payment of the principal sum payable under the following:
  - Variation of Second Charge registered on 13 March 2003 and shown by instrument # 1950/03;  
made between the Defendants and the Plaintiff (the “**Second Charge**”), by virtue of which the Property was charged by the Defendants by way of legal charge in favour of the Plaintiff to secure the principal sum of CI\$48,000.00 and interest at the rate specified in the schedules thereto.
3. That the Charge and Second Charge be enforced by the appointment of a receiver of the rental income of the Property.
4. That the Plaintiff be appointed as receiver of the rental income of the Property.
5. That the terms and condition of receivership be determined, if any.
6. That leave be granted to issue a Writ of Possession with respect to the Property.
7. Such further or other relief as the Court thinks fit.
8. Costs.

**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.

Dated the 2<sup>nd</sup> day of September 2011.

  
\_\_\_\_\_  
PEARSON & ASSOCIATES  
Attorney 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 Acknowledgment of Service are given with the accompanying form.

This ORIGINATING SUMMONS was issued by Pearson & Associates, Attorney-at-Law for the Plaintiff whose address for service is 2<sup>nd</sup> Floor, Barnett Music Centre, 24 Huldah Ave, P.O. Box 5, Grand Cayman KY1-1801, Cayman Islands.

**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 495G, 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 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.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: OF 2011

IN THE MATTER OF THE REGISTERED LAND LAW (2004 REVISION)

BETWEEN:

BUTTERFIELD BANK (CAYMAN) LIMITED

PLAINTIFF

AND:

- 1. MIGUEL GOMEZ
- 2. XIOMARA MIRANDA
- 3. WILLIAM GOMEZ MIRANDA

DEFENDANT

**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.

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

PEARSON & ASSOCIATES  
2<sup>nd</sup> Floor Barnett Music Centre  
24 Huldah Ave  
Grand Cayman KY1-1801  
CAYMAN ISLANDS  
Phone: 345 946 7043  
Fax:345 946 7044  
Email: [npearson@candw.ky](mailto:npearson@candw.ky)

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