

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: ~~401~~ OF 2011

In the Matter of Section 55 of the Registered Land Law (2004 Revision)

BETWEEN:

CAYMAN SHORES DEVELOPMENT LTD.

PLAINTIFF

AND: OCT 04 2011

CT FOODS LTD.

DEFENDANT



ORIGINATING SUMMONS

LET THE DEFENDANT of P.O. Box 1034, Intertrust (Cayman) Limited, 4th Floor Harbour Place, 100 South Church Street, Grand Cayman KY1-1102 Cayman Islands, a lessee pursuant to the terms of a lease between the parties dated 4 September 2009 (the "Lease"), 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 30593, Grand Cayman KY1-1203 Cayman Islands, a lessor pursuant to the terms of the Lease, for the following declarations and orders:

1. That the Defendant lessee has breached or omitted to perform its obligations under the terms of the Lease for premises at Block 12D Parcel 95/24 by failing, *inter alia*, to pay the following pursuant to the terms of the Lease:
 - a. Yearly Rent;
 - b. Chilled Water Costs;
 - c. Tenant's Proportionate Share of Operating Costs; and
 - d. Tenant's Proportionate Share of Insurance Costs.
2. That the Plaintiff lessor has the right to forfeit the Lease pursuant to Section 55 of the *Registered Land Law (2004 Revision)*;
3. That the Lease is terminated with immediate effect;
4. That the Plaintiff lessor has the right of re-possession of the leased premises with the immediate right of re-entry into the leased premises;
5. That the Plaintiff lessor has leave to issue a Writ of Possession pursuant to Order 45, rule 3 of the Grand Court Rules 1995 (Revised Edition);

6. That judgment against the Defendant lessor be entered in the amount of US\$62,193, with interest calculated pursuant to Clause 7.2 of the Lease or in the alternative, pre- and post-judgment interest calculated pursuant to the *Judicature Law (2007 Revision)* and the Judgment Debt (Rates of Interest) Rules, as amended from time to time;
7. That the Defendant pay the Plaintiff's indemnity costs pursuant to the Grand Court Costs Rules to be taxed if not agreed; and
8. Such further and other relief as this Honourable Court deems just.

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

Dated the 4th day of October 2011.

Bodden & Bodden

BODDEN & BODDEN
Attorneys 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 Bodden & Bodden, Attorneys-at-Law for and on behalf of the Plaintiff whose address for service is that of [his/her] said attorneys, 802 West Bay Road, Grand Pavilion Commercial Centre, Grand Cayman KY1-1003 [ref: - 1211-0001/DRD]

**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 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 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
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.

Attorney for the Defendant
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 is suing in person) of his name, address and reference, if any, in the box below.

Bodden & Bodden, Attorneys at Law
802 West Bay Road
Grand Pavilion Commercial Centre
PO Box 10335
Grand Cayman KY1-1003

Tel: (345) 943-0202

Fax: (345) 949-2335

E-mail: david.dinner@boddenandbodden.com

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