

IN THE GRAND COURT OF THE CAYMAN ISLANDS

Cause No.: G 163 of 2012

In the matter of the Registered Land Law (2004 Revision)

Between:

FIDELITY BANK (CAYMAN) LIMITED

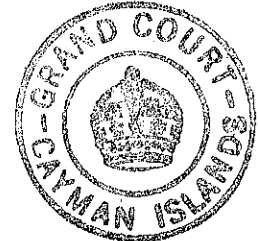
Plaintiff

And

RENY IMMER CARTER MCLAUGHLIN

Defendant

ORIGINATING SUMMONS



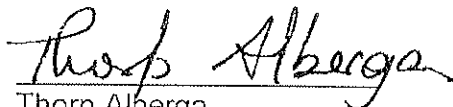
LET THE PARTIES attend before a Judge in Chambers, at the Law Courts, George Town, Grand Cayman on the ____ day of _____ 2012 at _____ a.m./p.m., on the Hearing of an application by the Plaintiff for the following orders:

1. That a declaration be made that the Defendant is in default of payment of the principal sum payable under the terms of the First Charge registered on 17 June 2010 and shown by Instrument No. 5308/09 made between the Defendant and the Plaintiff, by virtue of which the property in the Registration Section Savannah, Block 27C, Parcel 187 H3 (the "**Property**") was charged by the Defendant by way of legal charge in favour of the Plaintiff to secure the principal sum of CI\$183,000.00 and interest at the rate of 5.25%.
2. That the Charge be enforced by sale of the Property by private treaty as well as by public auction.

3. That the property be listed for sale on the MLS system.
4. That the Defendant and any other person occupying the Property vacate the Property, within 30 days of this Order, and take all appropriate steps to deliver possession of the Property to the Plaintiff.
5. That the terms and conditions of sale be determined, if any.
6. That leave be granted to issue a Writ of Possession in relation to the Property at the expiry of the 30 days referred to in paragraph 4 above.
7. Such further or other relief as this Honourable Court may deem appropriate.

And let the Defendant within 14 days of service upon him of this summons, including the day of service, return the accompanying acknowledgment of service to the Courts office.

DATED: 27 March 2012
FILED: 27 March 2012



Thorp Alberga
Attorneys-at-Law for the Plaintiff

NOTES:

1. This summons may not be served later than 4 calendar 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.

Time estimate: 15 minutes

To: The Clerk of Court

And to: Reny Immer Carter McLaughlin
P.O. Box 2798
Town House #3
Rackley Court
Savannah
Grand Cayman KY1-1112
Cayman Islands

This **ORIGINATING SUMMONS** is filed by Thorp Alberga, Attorneys-at-Law for the Plaintiff whose address for service is Level 2, Harbour Place, 103 s. Church Street, P.O. Box 472, George Town, Grand Cayman, Cayman Islands Ref.: CMD/F0375-001.

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Cause No.: G of 2012

In the matter of the Registered Land Law (2004 Revision)

Between:

FIDELITY BANK (CAYMAN) LIMITED

Plaintiff

And

RENY IMMER CARTER MCLAUGHLIN

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 or 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.

Thorp Alberga
Attorneys-at-Law
P.O. Box 472
Grand Cayman, KY1-1106
Cayman Islands
Attorney: Christopher McDuff
Phone: (345) 949-0699
Facsimile: (345) 949-8171
Email: cmcduff@thorpalberga.com
Ref: CMD/F0375-001

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

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, Grand Cayman, KY1-1106.

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 as far as necessary (although not necessarily in an adversarial manner) you should tick the "Yes" box in paragraph 2 of the acknowledgement of service.
3. For the purposes 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 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 his 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.