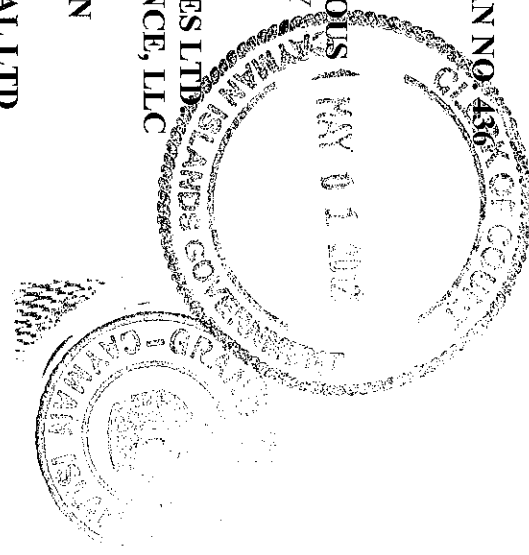


IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. *226* OF 2012

IN THE MATTER OF SECTION 9 OF THE STRATA TITLES REGISTRATION  
LAW (2005 REVISION) ("THE LAW")

AND IN THE MATTER OF STRATA PLAN NO. 436  
BETWEEN:

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1. THOMAS ENGIBOUS
  2. E.R.N. COMPANY
  3. TOBY DEMICCO
  4. BST GC PIP, LLC
  5. CMH PROPERTIES LTD
  6. BST GC RESIDENCE, LLC
  7. MARSHA LTD
  8. FRED ESHELMAN
  9. KIRK RONEY
  10. BWT RESIDENTIAL LTD
  11. MJDBJD LIMITED
  12. PROBST CAYMAN HOLDINGS LLC

-AND-

1. THE PROPRIETORS, STRATA PLAN NO. 436
2. CONDOCO GRAND CAYMAN RESORT LTD. (In  
Receivership)

Defendants

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ORIGINATING SUMMONS

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TO: The Proprietors, Strata Plan No. 436  
P.O. Box 32319 SMB, Grand Cayman.

AND TO: Condoco Grand Cayman Resorts Ltd (In Receivership)  
c/o KPMG, Century Yard, Cricket Square, Grand Cayman, KY1-1106

LET THE DEFENDANTS, attend before the Judge in Chambers, at the Law Courts,  
George Town, Grand Cayman on the      day of      2012 at      o'clock on the hearing

of an application by the Plaintiffs, whose names and addresses are set out in the Schedule below, seeking the following relief:

1. An order pursuant to s. 9 of the Strata Titles Registration Law (2005 Revision) that Christopher D. Johnson and Russell S. Homer (“the Administrators”) of Chris Johnson Associates Ltd be appointed Administrators of Strata Plan No. 436 (the “Strata”) until further order of this Court;
2. An order vesting in the Administrators, to the exclusion of the Strata and its executive committee, all the duties and powers of the First Defendant including any duties and powers previously vested in the Second Defendant relating to the First Defendant whether by the Law, the By-Laws of the Strata or otherwise;
3. An order providing that, without prejudice to the generality of the foregoing orders, the Administrators shall:
  - 3.1. Take possession and control of the books, records and other documents pertaining to the affairs of the Strata;
  - 3.2. Examine the books and records from the inception of the Strata for the purposes of determining whether the books and records are accurate and have been properly kept.
  - 3.3. Should the Administrators determine sums are due to the Strata they shall take steps to collect any sums outstanding;
  - 3.4. Liaise with the owners of the Strata and any other interested parties for the purposes of ensuring the proper management and organization of the Strata going forward;
  - 3.5. Determine whether further steps or actions are necessary for the proper management and organization of the Strata, and if appropriate, apply to the Court for further directions;
  - 3.6. That no later than 6 months after their appointment, the Administrators will apply to the Court for further directions for the purposes of either continuing the Administration should that be necessary or alternatively seeking appropriate directions for the scheduling of an annual general meeting which will allow the proprietors of the Strata to elect a new executive committee either by a show of hands or on a poll of the votes of the proprietors which shall correspond with the unit entitlement of their respective strata lots. The Administrators will be at liberty to apply for any directions or relief they may require for the purposes of the said election;
  - 3.7. That the remuneration and expenses of the Administrators shall be an administrative expense of the First Defendant.

4. An order that the Administrators shall have liberty to apply from time to time for further directions or other, including declaratory, relief from the Court;
5. That the costs of these proceedings be provided for;
6. Such further relief as this Honourable Court deems appropriate.

**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 this 1<sup>st</sup> day of May 2012

*Broadhurst*  
**Broadhurst LLC**  
Attorneys-at-Law for the Plaintiffs

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.

## SCHEDULE

Thomas Engibous of 20 Shady Bend Drive, Melissa, Texas 75454, USA; E.R.N. Company of P.O. Box 866 GT, Grand Cayman; Toby DeMicco of 38 Wildwood Drive, Tarrytown, New York 10951, USA; BST GC PIP, LLC of 6161 North Berkeley Boulevard, Milwaukee, WI 53217-4316, USA; CMH Properties Ltd of P.O. Box 2075, Grand Cayman KY1-1105, Cayman Islands; BST GC Residence, LLC of 616 North Berkeley Boulevard, Milwaukee, WI 53217-4316, USA; Marsha Ltd of P.O. Box 1982, Grand Cayman KY1-1104, Cayman Islands; Fred Eshelman of 6814 Towles Road, Wilmington, NC 28409, USA; Kirk Roney of 7555 N. Moose-Wilson Road, Teton Village WY 83025, USA; BWI Residential Ltd of P.O. Box 2636 GT, Grand Cayman; MJDBJD Limited of 87 Mary Street, P.O. Box 908, Grand Cayman KY1-9002, Cayman Islands and Probst Cayman Holdings, LLC of P.O. Box 268, Grand Cayman KY1-1104, Cayman Islands

This Originating Summons is filed by Broadhurst LLC, Attorneys-at-Law for the Plaintiffs whose address for service is 40 Linwood Street, P.O. Box 2503, George Town, Grand Cayman KY1-1104.

**IN THE GRAND COURT OF THE CAYMAN ISLANDS**

**CAUSE NO.                      OF 2012**

**IN THE MATTER OF SECTION 9 OF THE STRATA TITLES REGISTRATION  
LAW (2005 REVISION) (“THE LAW”)**

**AND IN THE MATTER OF STRATA PLAN NO. 436**

**BETWEEN:**

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Plaintiffs

**-AND-**

1. THE PROPRIETORS, STRATA PLAN NO. 436
2. CONDOCO GRAND CAYMAN RESORT LTD. (In  
Receivership)

Defendants

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**ACKNOWLEDGMENT OF SERVICE  
OF ORIGINATING SUMMONS**

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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.

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

**BROADHURST LLC**  
40 Linwood Street, George Town  
PO Box 2503, Grand Cayman KY1-1104  
Cayman Islands

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

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## **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, 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 document served on a 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 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 addition in paragraph 1 of the description "trading as (.....)" after his name.
7. Where the Defendant is a LIMITED LIABILITY COMPANY the form must be completed by an attorney-at-law or by someone authorized to act on behalf of the Company, but the Company can take no further step in the proceedings without an attorney-at-law acting on its behalf.
8. Where the Defendant is a MINOR or a PSYCHIATRIC PATIENT, the form must be completed by an attorney-at-law acting for a *guardian ad litem*.
9. A Defendant acting in person may obtain help in completing the form at the Courts Office.