

IN THE GRAND COURT OF THE CAYMAN ISLANDS

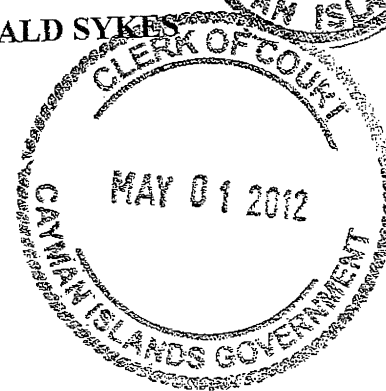
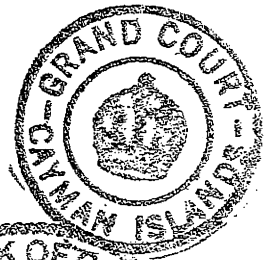
CAUSE NO. 218 OF 2012

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

AND IN THE MATTER OF STRATA PLAN NO. 404

BETWEEN:

1. THOMAS ENGIBOUS
2. DAVID MAINES
3. DIANA MARIE SYKES & GERALD SYKES
4. E.R.N. COMPANY
5. TOBY DEMICCO
6. BST GC PIP, LLC
7. CMH PROPERTIES LTD.
8. BST GC RESIDENCE, LLC
9. MARSHA LTD
10. FRED ESHELMAN
11. KIRK RONEY
12. BWI RESIDENTIAL LTD
13. MJDBJD LIMITED
14. PROBST CAYMAN HOLDINGS LLC
15. WILLIAM MAINES
16. ALAN CUMMINGS & RITA CUMMINGS
17. SCOT FOITH & PAULA FOITH
18. EDWIN B. LYON, CARLA F. LYON
19. GUY NORTHRIDGE & VANESSA H. NORTHRIDGE
20. MARTIN DEITCHMAN
21. SKYCO LTD
22. PARADISE INVESTMENT GROUP
23. TNL CONDO LEASING



Plaintiffs

-AND-

1. THE PROPRIETORS, STRATA PLAN NO. 404
2. CESAR HOTELCO (CAYMAN) LTD (In Receivership)
3. CONDOCO GRAND CAYMAN RESORT LTD. (In Receivership)
4. VILLASCO GRAND CAYMAN RESORT LTD.
5. CESAR PROPERTIES LTD. (In Receivership)

Defendants

ORIGINATING SUMMONS

- TO: The Proprietors, Strata Plan No. 404
P.O. Box 1350 GT, Grand Cayman
- AND TO: Cesar Hotelco (Cayman) Ltd (In Receivership)
c/o KPMG, Century Yard, Cricket Square, Grand Cayman, KY1-1106
- AND TO: Condoco Grand Cayman Resort Ltd (In Receivership)
c/o KPMG, Century Yard, Cricket Square, Grand Cayman, KY1-1106
- AND TO: Villasco Grand Cayman Resort Ltd.
c/o Appleby Trust (Cayman) Ltd. 75 Fort Street, George Town, Grand
Cayman, Cayman Islands
- AND TO: Cesar Properties 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. 404 (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, Third, Fourth or Fifth Defendants 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. Review the unit entitlement and assessments levied on the proprietors of the Strata have been properly calculated;
- 3.5. 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;
- 3.6. 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;
- 3.7. 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;
- 3.8. 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 1st 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; David Maines of 101 Broome Corporate Parkway, P.O. Box 450 Conklin NY 13748 USA; Diana Marie Sykes & Gerald Sykes of P.O. Box 32348, Grand Cayman, KY1-1209, Cayman Islands; 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; Probst Cayman Holdings, LLC of P.O. Box 268, Grand Cayman KY1-1104, Cayman Islands; William Maines, of 101 Broome Corporate Parkway, P.O. Box 450 Conklin NY 13748 USA; Alan Cummings & Rita Cummings of Rookery Garden House, Coast hill, Dorking Surrey, England RH4 3LH; Scot Foith and Paula Foith of 4612 Portsmouth CT, Flower Mound, Texas 75022-5124, USA; Edwin B. Lyon & Carla F. Lyon of 4630 Cherokee Trail, Dallas, Texas 75209, USA; Guy Northridge and Vanessa H. Northridge, 8 Cliveden Place, London, England LW 1W 8LA; Martin Deitchman of 14 Tanglewood Drive, Titusville, NJ, 08560, USA, Skyco Ltd of P.O. Box 709 GT, Grand Cayman, Cayman Islands; Paradise Investment Group of P.O. Box 10355 APO, Grand Cayman, Cayman Islands; TNL Condo Leasing of P.O. Box 1350, Grand Cayman, KY1-1108, Cayman Islands

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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

[Defendant in person]

Address for service:

Note 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.

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.

[Empty box for defendant's indorsement]

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 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 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.