

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 408 OF 2012

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

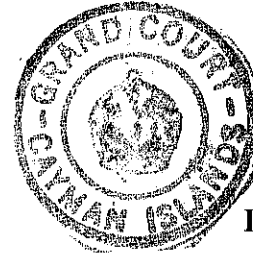
BETWEEN:

CAYMAN ISLANDS DEVELOPMENT BANK

PLAINTIFF

AND:

DAVID MARK EBANKS



DEFENDANT



ORIGINATING SUMMONS

TO: DAVID MARK EBANKS
73 Sandhole Rd. Apt#2, West Bay
PO Box 275
Grand Cayman KY1-1301
CAYMAN ISLANDS

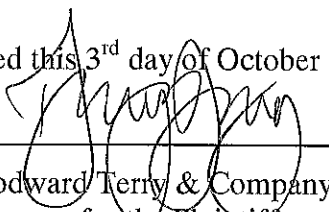
LET THE DEFENDANT of the address set out above attend before the Judge in Chambers, at the Law Courts, George Town, Grand Cayman on the _____ day of _____, 2012, at _____ o'clock on the hearing of an application by the Plaintiff of P.O. Box 2576, Grand Cayman KY1-1103, Cayman Islands for the following orders:

1. That a declaration be made that the Defendant is in default of payment of the principal sum payable under the charge registered on 9 August 2006 (instrument # 35828/06) and varied on 12 September 2006 (instrument #37603/06) made between the Defendant and the Plaintiff (the "**Charge**"), by virtue of which the property in the Registration Section: **West Bay South, Block 2C, Parcel 160** (the "**Property**") was charged by the Defendant by way of legal charge in favour of the Plaintiff to secure the principal sum of CI\$121,151.00 and interest at the rate specified in the schedules thereto.

2. That the Defendant deliver possession of the Property to the Plaintiff.
3. That the Charge be enforced by the sale by private treaty of the Property (as well as by Public Auction).
4. That the terms and conditions of the sale by private treaty be determined, if any.
5. That leave be granted to issue a Writ of Possession with respect to the Property.
6. Such further or other relief as the Court thinks fit.
7. Costs.

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 this 3rd day of October 2012



Woodward Terry & Company
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 filed by Woodward Terry & Company, Attorneys-at-Law, for and on behalf of the plaintiff whose address for service is PO Box 822, Suite # 10, 2nd Floor, Jack & Jill Building, 19 Fort Street, George Town, Grand Cayman, Cayman Islands, British West Indies.

Acknowledgement of service of originating summons

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.

Notice 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 of 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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BETWEEN:

CAYMAN ISLANDS DEVELOPMENT BANK

PLAINTIFF

AND:

DAVID MARK EBANKS

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 the proceedings (tick appropriate box)
 yes no

Service of the Originating Summons is acknowledged accordingly

(Signed).....

[Attorney] for

[Defendant in person]

Address for service:

Please complete overleaf

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.

Woodward Terry & Company Attorneys-at-Law PO Box 822, Suite # 10, 2 nd Floor Jack & Jill Building, 19 Fort Street George Town, Grand Cayman Cayman Islands British West Indies

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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