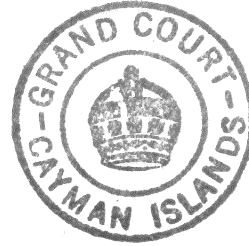


No. 6

Notice of Originating Motion (0.8, r3)

IN THE GRAND COURT OF THE CAYMAN ISLANDS



CAUSE NO: 90420 OF 2012

In the Matter of GCR, O.50, r. 1

And in the Matter of an application by the Plaintiff herein for a charging order and/or the transfer or sale of property known as Registration Section Breakers, Block 55A, Parcel 140 registered in the name of Defendant, Jody Ebanks as sole proprietor for the enforcement of a Costs Certificate dated 9th October, 2012

BETWEEN: FACEY-CLARKE & ASSOCIATES LTD. PLAINTIFF
AND: JODY BARBARA WEECH EBANKS DEFENDANT

EX PARTE NOTICE OF ORIGINATING MOTION

TAKE NOTICE that a Judge at the Law Courts, George Town, Grand Cayman will be moved on the _____ day of _____, 2012 at _____ a.m./p.m. or as soon thereafter as counsel can be heard, by counsel on behalf of Facey-Clarke & Associates for the following orders:-

1. For a charging order and/or the transfer or sale of property known as Registration Section Breakers, Block 55A, Parcel 140 registered in the name of Defendant, Jody Ebanks as sole proprietor in satisfaction and/or enforcement of a Costs Certificate dated 9th October, 2012 in the amount of **CI\$59,639.75**.

2. Alternatively, that an injunction be placed on the above mentioned property preventing the Defendant from having any dealings with it including selling or entering any charge against the said property.
3. And for an order that the costs of and incidental to this application be paid by Jody Barbara Weech Ebanks or that the amount of costs be included in the sum owing and registered against the above-mentioned property.
4. Any other order or direction deems just.

AND FURTHER TAKE NOTICE that the grounds of this application are as follows:-

- (a) The Plaintiff was awarded the sum of **CI\$59,639.75** by way of a Costs Certificate dated 9th October, 2012.
- (b) The Defendant has verbally and by conduct indicated to the Director of the Plaintiff's company that she does not intend to honour her obligations under the said Cost Certificate.
- (c) The Defendant has not made any payment whatsoever in legal fees and expenses to the Plaintiff in over two years.
- (d) The Plaintiff is of the firm belief that the Defendant has no intention of paying the sums ordered.
- (e) The Defendant is the sole proprietor of vacant land with value of about **CI\$63,000.00**.
- (f) The Defendant has verbally informed the Director of the Plaintiff's company that her job as a Senior Compliance Manager has been made redundant.

- (g) The Defendant is a foreign national and may leave the Cayman Islands without settling the Cost Certificate.
- (h) The Plaintiff will rely on the affidavit of Margeta Facey-Clarke filed herein.

Dated the 11th day of October, 2012

Facey-Clarke & Associates
Facey-Clarke & Associates

TO: The Clerk of the Court

AND TO: Jody Barbara Weech-Ebanks
c/o Royal Bank of Canada
Shedden Road, George Town, Grand Cayman

TIME ESTIMATE: 15 Minutes

This Originating Motion was filed by Facey-Clarke & Associates whose address for service is Ground Floor, Unit 119 Elizabethan Square, 80 Shedden Road, George Town, Grand Cayman

Acknowledgement of service of originating summons (0.10, r.5)

**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.

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.

In the Matter of GCR, O.50, r. 1

And in the Matter of an application by the Plaintiff herein for a charging order and/or the transfer or sale of property known as Registration Section Breakers, Block 55A, Parcel 140 registered in the name of Defendant, Jody Ebanks as sole proprietor for the enforcement of a Costs Certificate dated 9th October, 2012

BETWEEN:	FACEY-CLARKE & ASSOCIATES LTD.	PLAINTIFF
AND:	JODY BARBARA WEECH 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 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 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.

Facey-Clarke & Associates
Barristers & Attorneys-at-Law
P.O. Box 2545, Grand Cayman KY1-1104
Unit 119, Ground Floor, Elizabethan Square,
80 Shedden Road, George Town, Grand Cayman
Cayman Islands, B.W.I.
Email: mclarke@candw.ky
Tel: 345 946 8111 or 917 6351)

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