

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: *Q2* OF 2013

In the Matter of the Servient Land, Namely Parcels 130 and 131 ("Parcels 130 and 131") in Block 68B of the High Rock Registration Section

And in the Matter of an Application under Section 96 of the Registered Land Law (2004 Revision) ("Law") and in Accordance with GCR O.94,r.3 to Extinguish or Modify an Easement ("Right of Way") Shown as Entry Number 1 in the Incumbrances Section of the Land Registers Respectively Relating to Parcels 130 and 131

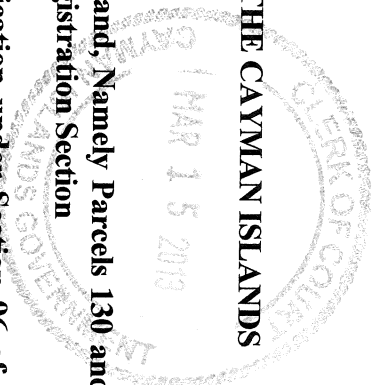
TAKE NOTICE that the petition presented herein will be heard in open Court at the Law Courts, George Town, Grand Cayman, on the day of 2013, at am/pm,

PETITION

To the Grand Court

The humble petition ("Petition") of Forget Me Not Ltd. ("Petitioner") c/o Orren Merren & Company, Attorneys-at-Law, shows that:-


- (1) The Petitioner is the registered proprietor of Parcels 130 and 131. Parcels 130 and 131 are both servient land over which this Right of Way (a footpath) passes from parcel 68A47 to parcel 68A4 and it also passes over parcels 68A104, 68A6, 68A79 and 68A8.
- (2) This Right of Way was recorded during the land adjudication of the 1970s. However, since then all parcels (except parcel 68A4) that are affected by this Right of Way now have access directly from High Rock Dr. or from Sea View Rd. Where this Right of Way should be located is now covered by bush, such that it appears to have been abandoned.
- (3) Before filing this Petition, the Petitioner applied in accordance with section 95(2)(c) of the Law for the Registrar of Lands to cancel registration of this Right of Way on the basis that it has been abandoned. However, the Registrar refused to cancel such registration, because he was of the view that to do so would leave parcel 68A4 landlocked. As it now exists, this Right of Way does not afford access to parcel 68A4 from High Rock Dr. or from Sea View Rd. without passing over some portion of land that is not affected by this Right of Way. Thus, parcel 68A4 is already landlocked.



- (4) Before filing this Petition, the Petitioner had also sent registered letters to affected proprietors seeking their permission to change the location of this Right of Way by re-aligning it to pass midway between the boundary of Parcels 130 and 131. However, only one of the proprietors replied to give his consent. To re-align this Right of Way without filing this Petition, the Petitioner needed to obtain the consent of all affected proprietors.
 - (5) A sketch (“Sketch”) attached hereto (and forming a part of this Petition) shows the location of this Right of Way as it now exists and (as an alternative to being wholly extinguished) as it is proposed to be modified by re-aligning it from where it leaves parcel 68A104 so as to pass along the western boundary of Parcels 130 and 131 until it joins the existing location of where it enters parcel 68A47.
 - (6) This Petition is to be advertised as required in accordance with GCR O.94,r.3(4).
 - (7) The Petitioner will also show that:
 - (a) By reason of changes in the character of the property where it is located and/or of the neighbourhood, this Right of Way ought to be held to be obsolete; and/or
 - (b) Unless wholly extinguished in relation to Parcels 130 and 131 or unless modified as shown on the Sketch, the continued existence of this Right of Way will continue to impede the reasonable user of Parcels 130 and 131 for private purposes without securing practical benefits to other persons; and/or
 - (c) Since this Right of Way has been abandoned and/or is now obsolete, neither such proposed extinguishment nor such proposed modification will injure any person entitled to the benefit thereof, nor will any person suffer loss in consequence of the Order being sought pursuant to this Petition.
- Your Petitioner therefore humbly prays that:-
1. This Right of Way be wholly extinguished in relation to Parcels 130 and 131 or, in the alternative, be modified from its existing location by re-aligning it from where it leaves parcel 68A104 so as to pass along the western boundary of Parcels 130 and 131 until it joins the existing location of where it enters parcel 68A47.
 2. Such further and/or other order as to costs or otherwise be made as the Court thinks fit.

AND your Petitioner will ever pray.

Dated the 15th day of March 2013.


Orren Merren & Company
Attorneys-at-Law

NOTE: This Petition is intended to be served on:

- (1) Crystal Alice Branch-Parms, 347 S. Broadleigh Rd., Columbus, Ohio 43209, USA.
- (2) Colleen Ann Branch, 347 S. Broadleigh Rd., Columbus, Ohio 43209, USA.
- (3) Mercy B. Connolly, Medria L. Connolly, Sheelah Modammad and Alese Connolly, 429 Grace Avenue, Inglewood, California 90301, USA.
- (4) Lou Connolly Coleman, 511 High St., West Medford, MA 02155, USA.
- (5) Ansel E. Connolly, P.O. Box 51, Savannah, Grand Cayman.
- (6) Michael Chapman and Annie Chapman, P.O. Box 267, George Town, Grand Cayman.
- (7) Kevin Nagel, P.O. Box 267, George Town, Grand Cayman.
- (8) Helene Odehdahl and Axel Odehdahl, 3 Illie Nastase, San Juan Cosala, Jalisco, Mexico 45820.
- (9) Cable & Wireless Cayman Islands Ltd., P.O. Box 293, George Town, Grand Cayman.
- (10) Harwell Austin Moncrieffe McCoy, P.O. Box 10788 APO, Grand Cayman.
- (11) Kerith William Arlington McCoy, P.O. Box 10088 APO, Grand Cayman.
- (12) Cheryl Gealey, P.O. Box 88, George Town, Grand Cayman.
- (13) David E. Ritch as Co-Executor, P.O. Box 1994, Grand Cayman KY1-1104, Cayman Islands.
- (14) William Burns Conolly as Co-Executor, P.O. Box 2331, Grand Cayman KY1-1106, Cayman Islands.
- (15) Jacqueline P. Smellie as Co-Executor, P.O. Box 1994, Grand Cayman KY1-1104, Cayman Islands.
- (16) Leonard Merchant, 7 Godfrey Nixon Way, George Town, Grand Cayman, Cayman Islands.
- (17) Registrar of Lands, P.O Box 1089, Grand Cayman KY1-1102, Cayman Islands.

This Petition was presented by Orren Merren & Company, Attorneys-at-Law for the Petitioner herein, whose address for service is 15 Simmons Way, P.O. Box 481, George Town, Grand Cayman KY1-1106, Cayman Islands.

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**ACKNOWLEDGMENT OF SERVICE
OF PETITION**

If you intend to instruct an Attorney to act for you, give him/her 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. Delay may result in order herein being entered whereby you (as an interested person) may have to pay the costs of applying to set it aside.

-
1. State the full name of the interested person by whom or on whose behalf the service of the Petition is being acknowledged.

 2. State whether the interested person intends to contest the proceedings (tick appropriate box)
 yes no
 3. If the interested person does not intend to contest the proceedings, state if he/she intends to apply for a stay of execution against any order herein entered by the Petitioner (tick box)
 yes no
-

Service of the Petition is acknowledged accordingly.

(Signed).....
Attorney for

Please complete overleaf

Notes on address for service

Attorney: where the interested person is represented by an attorney, state the attorney's place of business in the Cayman Islands. An interested person may not act by a foreign attorney.

Interested person in person: where the interested person is acting in person, he/she must give his/her post office box number and the physical address of his/her residence or, if he/she does not reside in the Cayman Islands, he/she must give an address in Grand Cayman where communications for him/her should be sent. In the case of a limited company, "residence" means its registered or principal office.

Indorsement by Petitioner's Attorney of his name, address and reference, if any, in the box below.

Orren Merren & Company
Attorneys-at-Law
15 Simmons Way, George Town
P.O. Box 481
Grand Cayman KY1-1106
Cayman Islands

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