

LEGAL AID CERT # 0026/11

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 140 OF 2013

IN THE MATTER OF THE SUCCESSION LAW

IN THE MATTER OF THE ESTATE OF OSTIN KEMPTON EBANKS, DECEASED

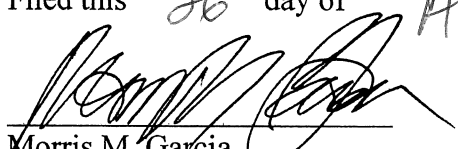
AND IN THE MATTER OF THE APPOINTMENT OF A PERSONAL REPRESENTATIVE TO ADMINISTER HIS ESTATE

ORIGINATING SUMMONS

LET ALL PARTIES CONCERNED attend before the Judge in Chambers at the law Courts, George Town, Grand Cayman on the _____ day of _____, 2013 at o'clock in the fore/afternoon or so soon thereafter as Counsel can be heard on the hearing of an application by the Applicant for the following orders and other relief:-

- a) That the Honourable Court do appoint an independent person to be the administrator of the estate of Ostin Kempton Ebanks.
- b) That provision be made for the cost of this application.
- c) That there be such further and/or other relief as the Honourable Court thinks fit and proper.

Dated this 26 day of April, 2013
Filed this 26 day of April, 2013.

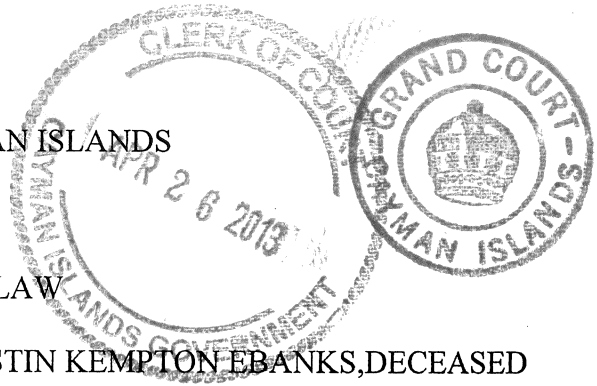

Morris M. Garcia
Attorney-at-law for the Plaintiff/Applicant

To : The Clerk of Courts

AND To: Charles Michael Ebanks, West Bay, Grand Cayman

Time estimate: 30mins

This Originating Summons was issued by Morris M. Garcia Suite #2, Nevlaw Building, 180 Shedden Road, George Town, Grand Cayman, Attorney-at-law for the Applicant herein whose address for service is that of her said attorney.



IN THE GRAND COURT OF THE CAYMAN ISLANDS

AND IN THE MATTER OF THE ESTATE OF OSTIN KEMPTON EBANKS

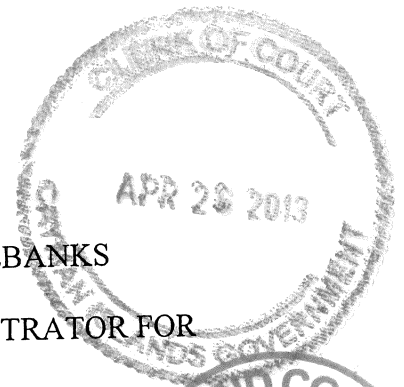
AND IN THE MATTER OF THE APPOINTMENT OF AN ADMINISTRATOR FOR
THE SAID ESTATE

CAUSE NO 140 OF 2013

AFFIDAVIT IN SUPPORT

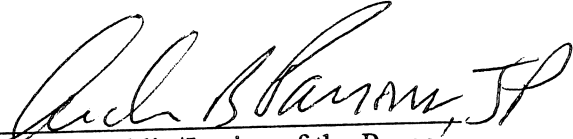
I, Maria Bush of West Bay, Grand Cayman being duly sworn make oath and say as follows:

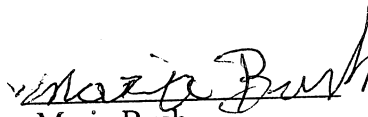
1. That I am the former spouse of the late Ostin Kempton Ebanks who died on January 28th, 2011. We were lawfully married but divorced in or around 1997. There is one child of the marriage who is now over the age of majority.
2. That during the course of the divorce proceeding ('the proceeding') in Cause No D 43 of 1996, the Honourable Court made an order dated October 23 , 2006 declaring in paragraph 1 thereof, that I had demonstrated that as of March 3, 2006 maintenance arrears of CI\$ 19, 000.00 on behalf of the child of the marriage were owed to me by Ostin Kempton Ebanks, the then Respondent in the proceeding.
3. That the said order went on to state that Effie Mitchell the administrator of the estate of Vera Elizabeth Ebanks shall forthwith sell the property known as West Bay North West, Block 1C, Parcel 90 and hold the net proceeds in trust for Maria Ebanks(aka Maria Bush) and any other person entitled to share in the estate.
4. That now produced and shown to me marked ' MB-1' is a true copy of the said order.
5. That on 1st September, 2011, a further court order declared that each of the six children of the late Vera Elizabeth Ebanks, of which Ostin Kempton Ebanks was one, was entitled to a 1/6 share of her estate.
6. That furthermore paragraph 3 of the said order stated that the legacy of Ostin Ebanks, a beneficiary of the estate, who is now deceased, shall be paid into the firm of Brooks and Brooks in trust for his estate. At that time I was represented by the law firm of Brooks and Brooks in the proceeding.
7. That now produced and shown to me marked 'MB-2' is a true copy of the said court order.



8. That I am advised by Brooks and Brooks that they are holding funds amounting to CI\$16,066.56 in trust for the estate of Ostin Ebanks. Those funds are supposed to represent the maintenance arrears due and owing to me from Ostin Ebanks/or his estate.
9. That it is also my understanding that Letters of Administration would have to be taken out in the estate of Ostin Ebanks in order for me to recover those funds.
10. That I am informed that under the law, the persons entitled to the grant of letters of administration in order of priority would firstly be the surviving spouse if we were still married but as I am no longer his spouse, I would not qualify.
11. That the next person entitled would be our son, Charles Michael Ebanks who is over the age of majority. However, due to ongoing conflicts between us, I do not believe he would be a suitable person to take out letters of administration in his late father's estate.
12. That neither would I be comfortable with any the late Ostin Ebanks' siblings taking out Letters of Administration in his estate as I do not get along with any of them and we have been involved in serious family issues for some time.
13. That I would recommend that the Honourable Court appoint an independent person to take out Letters of Administration of Ostin Ebanks' s estate and to deal with the distribution of the assets.
14. That I am advised and verily believe the same to be true that Section 33 of the Succession Law sets out the list of persons who are entitled to take out Letters of Administration of the estate of a deceased person. However, in this instance, I am seeking to rely on the courts inherent powers to make an order to appoint and independent person as administrator given the indications I have made above with regards to my son and the siblings of the late Ostin Ebanks.
15. That in the circumstances I ask the Honourable Court to accede to my application.
16. That what I have stated above is true and correct.

SWORN to at *West Bay*
Grand Cayman, this *10th*
Day of *April*, 2013
Before me


Notary Public/Justice of the Peace


Maria Bush

ARDEN B. PARSONS
JUSTICE OF THE PEACE
CAYMAN ISLANDS

IN THE GRAND COURT OF THE CAYMAN ISLANDS

AND IN THE MATTER OF THE ESTATE OF OSTIN KEMPTON EBANKS

AND IN THE MATTER OF THE APPOINTMENT OF AN ADMINISTRATOR OF
HIS ESTATE

CAUSE NO. OF 2013

EXHIBIT

This is the exhibit marked ' MB - 1 ' referred to in the affidavit of Maria Bush.

Sworn to at *West Bay*
Grand Cayman this *10th* day
Of *April* 2013
Before me

Arden B. Parsons, JP

Notary Public/Justice of the Peace

Maria Bush

Maria Bush

**ARDEN B. PARSONS
JUSTICE OF THE PEACE
CAYMAN ISLANDS**

**IN THE GRAND COURT OF THE CAYMAN ISLANDS
HOLDEN AT GEORGE TOWN**

CAUSE No. D 43 OF 1996
Legal Aid 19/01

CORAM: HON. JUSTICE HENDERSON.

BETWEEN

MARIA BUSH

AND



OSTIN KEMPTON EBANKS

PETITIONER

RESPONDENT

ORDER

UPON this matter coming for Hearing the 23rd day of October 2006;

AND UPON HEARING Counsel for the Petitioner, the Respondent and the Administrator of the Estate of Vera Elizabeth Ebanks – Mrs. Effie Mitchell;

AND UPON reading the affidavits of the Petitioner filed 27th September 2006;

IT IS HEREBY ORDERED:

- (a) A declaration that the Petitioner has demonstrated that as of March 3rd 2006 that maintenance arrears of CI\$19,000.00 are owed to her by the Respondent;
- (b) That the Petitioner has liberty to apply for an order settling the arrears for the period after March 3rd 2006;
- (c) That the Caution on West Bay North West, Block 1C Parcel 90 is to be removed;
- (d) That Effie Mitchell, the Administrator of the Estate of Vera Elizabeth Ebanks shall forthwith sell the property known as West Bay North West, Block 1C

IN THE GRAND COURT OF THE CAYMAN ISLANDS

AND IN THE MATTER OF THE ESTATE OF OSTIN KEMPTON EBANKS

AND IN THE MATTER OF THE APPOINTMENT OF AN ADMINISTRATOR OF HIS ESTATE

CAUSE NO. OF 2013

EXHIBIT

This is the exhibit marked ' MB - 2 ' referred to in the affidavit of Maria Bush.

Sworn to at *West Bay*
Grand Cayman this *10th* day
Of *April* 2013
Before me

Arden B. Parsons, JP
Notary Public/Justice of the Peace

Maria Bush
Maria Bush

**ARDEN B. PARSONS
JUSTICE OF THE PEACE
CAYMAN ISLANDS**

IN THE GRAND COURT OF THE CAYMAN ISLANDS
HOLDEN AT GEORGE TOWN, GRAND CAYMAN
PROBATE AND ADMINISTRATION

CAUSE NO. P&A 5 OF 1999

CORAM: HON JUSTICE HENDERSON

IN THE ESTATE OF VERA ELIZABETH EBANKS, DECEASED.

ORDER

UPON this matter coming for hearing this the 1st day of September 2011 on the Administrator summons filed 1st July 2011;

AND UPON hearing from Counsel for the Administratrix Effie Mitchell, in person and the Counsel for Maria Bush.

AND UPON reading the affidavit of the Parties filed herein;

IT IS HEREBY ORDERED;

1. A declaration that each of the six (6) children (Effie Mitchell, Auslin Ebanks, Elizabeth Grant, Gina Green, Ronnie Ebanks and Ostin Ebanks, deceased) of Vera Elizabeth Ebanks (deceased) is entitled to a 1/6 share in her estate.
2. The sale of Block 1C Parcel 90 at CI\$100,000.00 is approved.
3. That the legacy of Ostin Ebanks, a beneficiary who is now deceased, shall be paid into the firm of Brooks & Brooks in trust for his estate.

Dated this 1st day of September, 2011.

Filed this 5th day of September, 2011.

A. G. Henderson

HON. JUDGE OF THE GRAND COURT



CONSENT AS TO FORM AND CONTENT OF THE ORDER:



EFFIE MITCHELL
ADMINISTRATRIX OF THE ESTATE
VERA ELIZABETH EBANKS



BROOKS & BROOKS
ATTORNEYS FOR MARIA BUSH