

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. *2013* OF 2013

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

BETWEEN: FIRSTCARIBBEAN INTERNATIONAL BANK PLAINTIFF
(CAYMAN) LIMITED

AND: JOAQUIM F. MASCARENHAS FIRST DEFENDANT

AND: CAROL MAE BENEDICT-MASCARENAS SECOND DEFENDANT

AND: RAYMOND G. BENEDICT THIRD DEFENDANT



ORIGINATING SUMMONS



LET THE PARTIES attend before a Judge in Chambers, at the Law Courts, George Town, Grand Cayman on the day of 2013 at a.m./p.m. on the hearing of an application by the Plaintiff for the following order that:

1. This Honourable Court do sanction and permit the sale by private treaty of all that property registered in the Cayman Islands Land Register with absolute title and being particularly known as Registration Section George Town South, Block 14E, Parcel 670H6 ("the George Town South Property") registered in the names of the First and Second Defendants by the Plaintiff as Chargee with a power of sale over the George Town South Property.
2. This Honourable Court do sanction and permit the sale by private treaty of all that property registered in the Cayman Islands Land Register with absolute title and being particularly known as Registration Section George Town East, Block 20D, Parcel 207 ("the George Town East Property") registered in the names of the First, Second and Third Defendants by the Plaintiff as Chargee with a power of sale over the George Town East Property (together referred to as "the Properties").

3. The Defendants and any other person occupying the Properties do, within 28 days of this Order, vacate the Properties and take all appropriate steps to give the Plaintiff vacant possession of the Properties.
4. The Plaintiff do have leave to issue a Writ of Possession in relation to the Properties at the expiry of the 28 days referred to in paragraph 2 above.
5. Such further or other relief as this Honourable Court may deem appropriate.

AND LET THE DEFENDANTS within 14 days of service upon him of this summons, including the day of service, return the accompanying Acknowledgment of Service to the Courts office.

DATED: 24 May 2013

FILED:



CAMPBELLS

Attorneys at Law for the Plaintiff

NOTES:

- (1) This Summons may not be served later than 4 calendar 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.

Time Estimate: 15 minutes

To: The Clerk of the Court

And To: Joaquim F Mascarenhas

And To: Carol Mae Benedict-Mascarenhas

And To: Raymond G Benedict

THIS ORIGINATING SUMMONS was filed by Campbells, Attorneys at Law for the Plaintiff herein, whose address for service is 4th Floor Willow House, Cricket Square, George Town, Grand Cayman (Ref: JRM/14206-20683)

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ACKNOWLEDGEMENT 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).....

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 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.

Campbells
P O Box 884
George Town
Grand Cayman
Tel: 949 2648
Fax: 949 8613
(Ref: JRM/14206-20683)

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

DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE
OF ORIGINATING SUMMONS

The accompanying form of Acknowledgement 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 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 as far as necessary (although not necessarily in an adversarial manner) you should tick the "Yes" box in paragraph 2 of the acknowledgement of service.
3. For the purposes 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 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 his 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