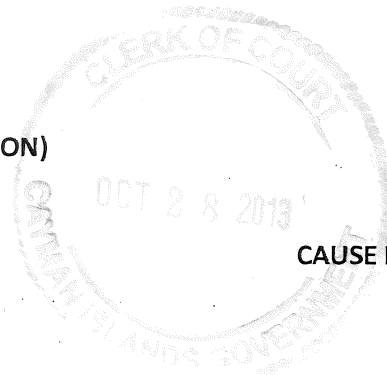


IN THE GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION

IN THE MATTER OF THE PARTITION LAW (1997 REVISION)



CAUSE NO: 370 OF 2013

BETWEEN

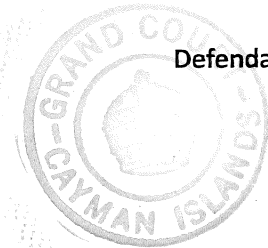
HENRIETTA THEORELL

Plaintiff

AND

JON MALMSATER

Defendant



ORIGINATING SUMMONS

TO: JON MALMSATER of Ostra Raknasvagen 1, 134 38 Gustavsberg, Sweden.

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, P.O. Box 495G, George Town, Grand Cayman.

By this Summons, which is issued on the application of Henrietta Theorell, c/o Samson & McGrath, George Town, Grand Cayman, the Plaintiff seeks the following relief of the Court pursuant to the Partition Law (1997) Revision:

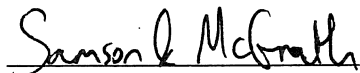
- i. An Order for the sale of South Bay Beach Club, Apartment 31 and Parking Bay 24 at West Bay Beach South, Block 13B, Parcels 193 H47 and H77.
- ii. An Order for distribution of the proceeds to the Plaintiff and the Defendant in equal ½ shares.
- iii. A declaration that each party is responsible for repayment of their respective liability of unpaid Strata fees out of their ½ share of the proceeds of sale.
- iv. An Order for costs.

Particulars of Cause of Action

1. On 25 October 2010, the parties purchased the South Bay Beach Club, Apartment 31 and Parking Bay 24 at West Bay Beach South, Block 13B, Parcels 193 H47 and H77 (the "Property") as proprietors-in-common.

2. Since early 2012, the Plaintiff has sought to realize her interest in the Property. On 18 May 2012, the parties signed, witnessed and notarized an agreement for the sale and purchase of the Property whereby the Defendant agreed to purchase the Plaintiff's ½ share for US\$650,000.00 with completion due to take place on 30 May 2012 (the "Agreement").
3. However, in breach of the Agreement, the Defendant failed to adhere to the terms contained therein and no payment was made by the Defendant to the Plaintiff in respect of the Property. Any subsequent attempts to resolve the matter have been unsuccessful.
4. The Plaintiff now seeks the Court's assistance in determining the respective interest of the parties in the Property and in making orders as to the sale and division of the proceeds.
5. Additionally, as at 30 September 2013, the total Strata fees owing on the Property are US\$38,588.68. The fees were up to date at the time of the agreement for the sale and purchase of the Property in May 2012 but since then the Defendant has failed to pay any Strata fees. The Plaintiff paid US\$12,614 on 27 December 2012 but no further fees since that date. Further to previous agreement between the parties, the parties are responsible for this liability in equal shares.
6. Of the US\$38,588.68 currently owing, the Plaintiff is personally responsible for repayment of US\$12,987.34 and the Defendant is personally responsible for repayment of US\$25,601.34. These figures are rising month by month. The current liabilities can be calculated by an approximate 66%/34% split and an order is respectfully requested for repayment of unpaid Strata fees out of the proceeds of any future sale and further to the specific split applicable at the date of completion.
7. If the Defendant does not acknowledge service, such judgment may be given or order made against or in relation to him as the Court may think just and expedient.

Dated the 28th day of October 2013



Samson and McGrath

Attorneys-at-Law for the Plaintiff

NOTE - 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 that date unless renewed by order of the Court.

IMPORTANT

Directions for Acknowledgment of Service are given with the accompanying form.

This Originating Summons was issued by Samson and McGrath, Attorneys-at-Law, for and on behalf of the Plaintiff, whose address for service is 5th Floor, Genesis Building, George Town, Grand Cayman, PO Box 446 G.T.

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.

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.

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

Samson & McGrath
5th Floor Genesis Building
P.O. Box 446
Grand Cayman KY1 – 1106
Cayman Islands

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

[Empty box for Defendant's attorney indorsement]