

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. **446** OF 2013

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

AND IN THE MATTER OF GEORGE TOWN SOUTH, BLOCK 14E, PARCEL 563

BETWEEN: RBC ROYAL BANK (CAYMAN) LTD.

PLAINTIFF

AND: CHRISTOPHER WHORMS

FIRST DEFENDANT

AND: SHERNEAN WHORMS

SECOND 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 563 – Quality Place Apartments** - (“the Property”) by the Plaintiff as Chargee with a power of sale over the Property.
2. The Defendants and any other person occupying the Property do, within 28 days of this Order, vacate the Property and take all appropriate steps to give the Plaintiff vacant possession of the Property.
3. The Plaintiff do have leave to issue an Order of Possession in relation to the Property at the expiry of the 28 days referred to in paragraph 2 above.
4. Such further or other relief as this Honourable Court may deem appropriate.

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

DATED: 25th November 2013

FILED:

Higgs & Johnson
HIGGS & JOHNSON
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:

To: The Clerk of the Court

And To: Christopher Whorms

And To: Sherman Whorms

**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 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 so 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 purpose of calculating the period of 14 days for acknowledging service, An originating summons 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 named 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.

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BETWEEN: RBC ROYAL BANK (CAYMAN) LTD. PLAINTIFF

AND: CHRISTOPHER WHORMS FIRST DEFENDANT

AND: SHERNEAN WHORMS SECOND 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.

Delay may result in judgment being entered against a defendant whereby he may have to pay the costs of applying to set it aside.

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1. State the full name of the Defendant by whom or on whose behalf the service of the Originating Summons is being acknowledged.

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2. State whether the Defendant intends to contest or otherwise participate in the proceedings
(*tick appropriate box*)

Yes No

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3. If the claim against the Defendant is for a debt or liquidated demand, AND he does not intend to contest the proceedings, state if the Defendant intends to apply for a stay of execution against any judgment entered by the Plaintiff (*tick 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 the 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.

Higgs & Johnson
PO Box 866GT
Anderson Square Building
George Town
Grand Cayman
Ref: RBHH/PSB

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 indorsement]