

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

CAUSE NUMBER 84 of 2014

IN THE MATTER OF THE COMPANIES LAW (2013 REVISION)

AND IN THE MATTER OF ADVANCED ROAD CONSTRUCTION & PAVING LTD

NOTICE OF ORIGINATING MOTION

TAKE NOTICE that the Court, at the Law Courts, George Town, Grand Cayman will be moved on the day of 2014, at o'clock or as soon thereafter as counsel can be heard, by Counsel on behalf of ADVANCED ROAD CONSTRUCTION & PAVING LTD for the following relief, namely:

1. An Order granting an Injunction to restrain K P's Heavy Equipment Ltd from presenting whether by itself, its servants or agents or otherwise howsoever any petition for the winding up of the applicant company under the provisions of the Company Law, pursuant to a statutory demand dated 13 January 2014 or based on an alleged debt of C\$254,400.04 described therein.
2. And for an order that the costs of and incidental to this application may be paid by K P's Heavy Equipment Ltd.

AND FUTHER TAKEN NOTICE that the Grounds of this application are that:

- (1) the alleged debt, is as is known to the respondent company to be, bona fide disputed on substantial grounds and/or
- (2) that the respondent company unilaterally imposed interest payments on the sum, CI\$142,865.50, owed which was never agreed by the applicant company (see item 4 below and letter dated 4 June 2011 from the applicant company to the respondent company) and is claiming the sum of CI\$254,400.00 and/or
- (3) if, which is denied, interest were owed, that based on the figure of CI\$254,400.00 at item 2 above the interest calculated is levied at 18% and not at 1.5% and/or
- (4) that the applicant company by a letter dated 4 June 2011 to the respondent company set out that the sum owed for the material it considered it actually purchased which figure was as at that date CI\$142,865.50 and not CI\$157,980.64 and/or
- (5) the applicant company has entered negotiations to pay the respondent company the sum owed as set out in the 4 June 2011 letter which negotiations were ongoing and prepared a draft from CIBC FirstCaribbean 1121125 for the

sum of CI\$25,000.00 a copy of which was sent to the respondent company but that offer has not been accepted and/or

(6) that the respondent company has stated, in short, that if the sum of CI\$254,400.00 by 30 November 2014 that it will petition the court to liquidate the applicant company.

(7) the applicant company is solvent

Dated the 30th day of May 2014

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[Signature of Attorney]

TO: The Clerk of the Court.

AND TO: Stenning & Associates, Grand Cayman, Cayman Islands.

This Notice of Originating Motion was issued by CHAMBERS, Grand Cayman, Cayman Islands on behalf of the Applicant Company.