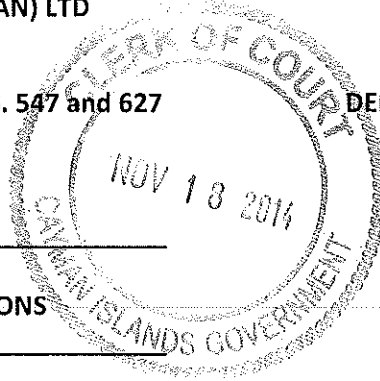
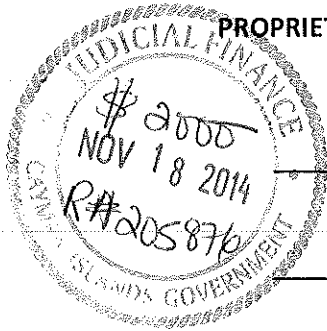


BETWEEN: SCOTIABANK & TRUST (CAYMAN) LTD PLAINTIFF

AND: PROPRIETORS OF STRATA PLAN NOS. 547 and 627 DEFENDANTS



ORIGINATING SUMMONS

LET THE PARTIES attend before the Judge in Chambers, at the Law Courts, George Town, Grand Cayman on 17 December 2014 at a.m./p.m. on the hearing of an application by the Plaintiff for the following order:

1 Declaring that, on its true construction, the proviso to By-law 61.3 of the By-Laws of the Defendant, which reads:

"61.3 Pay to the Corporation in advance by the fifth day of every month or within five (5) days of demand as applicable:

61.3.1. all contributions necessary to establish and maintain the fund for the Operating Budget, Reserve Fund Budget and Capital Budget levied by the Corporation pursuant to clause 6 (2) of the Law;

61.3.2. his contribution to all other costs and expenses incurred by the Corporation in connection with the performance of its duties under the Law and under these By-laws calculated by reference to his Unit Entitlement;

61.3.3. his contribution to the Deductible calculated by reference to his Unit Entitlement;

PROVIDED ALWAYS that in the event of any such payments not being made within five (5) days of the beginning of each month or within five days of demand as applicable he shall pay late fees thereon of CI\$50.00 if the same remains unpaid seven (7) days thereafter, of CI\$100.00 if the same remains unpaid after fourteen (14) days thereafter, and CI\$150.00 if the same remains unpaid 21 days thereafter such sums to be

This **ORIGINATING SUMMONS** was filed by Campbells, Attorneys at Law for the Plaintiff herein, whose address for service is Floor 4 Willow House, Cricket Square, George Town, Grand Cayman (Ref: JRM/KAH/lc/13456-22572)

cumulative and compounded on a monthly basis until payment; and in the event of any such payments (together with late fees accrued) not being made within sixty (60) days of such demand or in the event of his becoming bankrupt or making composition with his creditors or being a corporation entering into liquidation then and in any of these events he shall and does hereby irrevocably and exclusively authorize and permit the Corporation without recourse or liability to enter into possession of his Strata Lot and further does hereby irrevocably and exclusively appoint the Corporation without recourse or liability to be the receiver of the rents and profits of his Strata Lot in each case until such time as the said payments (together with interest accrued) have been made by him to the Corporation or received by the Corporation pursuant to the appointment aforesaid..."

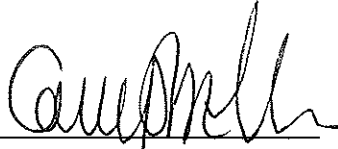
is too vague and uncertain to be enforceable; alternatively

- 2 Declaring that, on its true construction, the proviso to By-law 61.3 of the By-Laws of the Defendant is an irrecoverable penalty and not enforceable.
- 3 Such further or other relief as this Honourable Court may deem appropriate.
- 4 Costs.

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: November 2014

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.

This **ORIGINATING SUMMONS** was filed by Campbells, Attorneys at Law for the Plaintiff herein, whose address for service is Floor 4 Willow House, Cricket Square, George Town, Grand Cayman (Ref: JRM/KAH/lc/13456-22572)

IMPORTANT

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

Time Estimate: ½ day

To: The Clerk of the Court

And To: The Proprietors of Strata nos. 547 and 627

This **ORIGINATING SUMMONS** was filed by Campbells, Attorneys at Law for the Plaintiff herein, whose address for service is Floor 4 Willow House, Cricket Square, George Town, Grand Cayman (Ref: JRM/KAH/lc/13456-22572)

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 2014

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

BETWEEN: SCOTIABANK & TRUST (CAYMAN) LTD PLAINTIFF

AND: PROPRIETORS OF STRATA PLAN NOS. 547 and 627 DEFENDANT

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
PO Box 884
Grand Cayman KY1-1103
Cayman Islands

Tel: 949 2648
Fax: 949 8613
(Ref: KAH/13456-22572)

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