

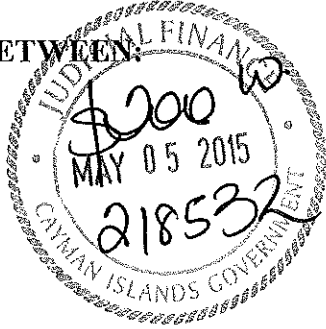
IN THE GRAND COURT OF THE CAYMAN ISLANDS



CAUSE NO. *G 0074* OF 2015

IN THE MATTER OF THE PARTNERSHIP LAW (2013 REVISION)

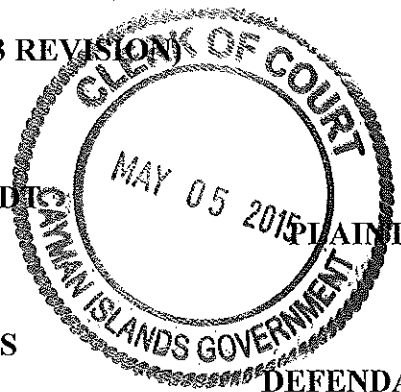
BETWEEN:



CARL DAVID NEIDHARDT

AND

DARIN KEITH DACRES



PLAINTIFF

DEFENDANT

ORIGINATING SUMMONS

LET THE DEFENDANT, DARIN KEITH DACRES of 38 Seabreeze Lane, West Bay, Grand Cayman, attend before the Judge in Chambers, at the Law Courts, George Town, Grand Cayman on the *5th* day of *June* 2015, at *9:30am* on the hearing of an application by the Plaintiff of 6626 Point Clear Drive, Houston, Texas 77069, USA, for the following Orders:


- 1) Either:
 - a. a Declaration that the partnership between the Plaintiff and the Defendant was dissolved on 29 April 2015; or
 - b. an Order that the partnership between the Plaintiff and the Defendant be dissolved;

- 2) An Order that the affairs of the partnership be wound up and for that purpose all necessary Accounts and Inquiries be taken and made including:
 - a. An Account of all the assets and liabilities of the partnership from inception to dissolution;
 - b. An Account of all the profits and losses of the partnership from inception to dissolution;
 - c. An inquiry as to what net sum (including interest and share of profit) the Plaintiff is entitled to.

- 3) An Injunction to restrain the Defendant from using, disposing of or otherwise dealing with the 1995 Toyota Coaster, VIN HZB50-0007205 and the 1996 Toyota Coaster, VIN HZB40-0002686 (hereafter "the Buses").
- 4) Delivery up of the Buses to the Plaintiff or his agent who shall arrange and have conduct of the sale of them.
- 5) An Order that the Defendant must execute all documents necessary for the purposes of transferring the legal ownership of the Buses to the Plaintiff.
- 6) An Order that the Defendant provides the Plaintiff with copies of all partnership records including bank statements for all accounts used to receive partnership income or to pay partnership expenses.
- 7) Such further or other relief as this honourable Court may deem appropriate.

AND LET THE DEFENDANT within 14 days after service upon him of this summons, including the day of service or the next day but one before the date of the hearing referred to above, return the accompanying Acknowledgment of Service to the Courts office.

Dated the 5th day of May 2015.


RITCH & CONOLLY

IMPORTANT

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

This Originating Summons was issued by Ritch & Conolly, attorneys for the Plaintiff, whose address for service is 113 South Church Street, PO Box 1994, Grand Cayman, KY1-1104.

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IN THE MATTER OF THE PARTNERSHIP LAW (2013 REVISION)

BETWEEN:

CARL DAVID NEIDHARDT

PLAINTIFF

AND:

DARIN KEITH DACRES

DEFENDANT

ACKNOWLEDGMENT OF SERVICE
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)

[Attorney] for

[Defendant in person]

Address for service:

Notes on address for service

Attorney: where the Defendants are 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.

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

Ritch & Conolly
Attorneys-at-Law
Queensgate House
PO Box 1994
113 South Church Street
George Town
Grand Cayman KY1-1104
Cayman Islands

MJD/13713

Endorsement 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 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 495, George Town, Grand Cayman KY1-1106.

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.