

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: **G0160**  
OF 2015

IN THE MATTER OF: SECTION 77 OF THE REGISTERED LAND LAW (2004 REVISION)

AND IN THE MATTER OF: AN APPLICATION BY SCOTIABANK AND TRUST (CAYMAN) LTD AS CHARGEES OVER CERTAIN CHARGED PROPERTY FOR AN ORDER DIRECTING THAT THE PLAINTIFF BE PERMITTED TO SELL THE PROPERTY CHARGED BY THE DEFENDANT TO THE PLAINTIFF BY WAY OF PRIVATE TREATY



BETWEEN:

SCOTIABANK AND TRUST (CAYMAN) LTD



- and -

RESTORATION CAYMAN LTD



Defendant

ORIGINATING SUMMONS

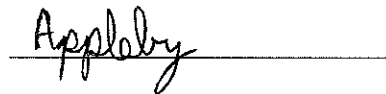
TO: Restoration Cayman Ltd  
PO Box 822  
19 Fort Street  
George Town  
Grand Cayman  
Cayman Islands

LET THE DEFENDANT, within 14 days after service of this Summons on it, counting the day of service, return the accompanying Acknowledgement of Service to the Courts Office, PO Box 495g, George Town, Grand Cayman.

By this Originating Summons, which is issued on the application of Scotiabank and Trust (Cayman) Ltd of 6 Cardinal Ave, 2<sup>nd</sup> Floor Scotia Centre, P.O. Box 689 Grand Cayman KY1-1107, the Plaintiff seeks orders and directions here as follows:

1. This Honourable Court sanction the variation and/or addition with respect to section 75 of the Registered Land Law permitting the Plaintiff to rely upon the terms contained in the charge made by the Defendant in favour of the Plaintiff registered in the Land Registry on 29 September 2005 (registered as charge number 17332/05, ("the Charge") over West Bay Beach South, Block 13B, Parcel 124 REM1 ("the Property") to include the power in Clause 11 of the Schedule to the Charge being the power to sell by private treaty.

Dated this 18 day of September 2015



**Appleby (Cayman) Ltd.**

Attorneys-at-Law for the Plaintiff

**NOTES -**

- (1) This Summons may not be served later than 4 calendar months beginning with that date unless renewed by order of the Court.
- (2) If the Defendant does not attend personally or by its attorneys at the time and place above-mentioned such order will be made as the Court may think just and expedient.

**IMPORTANT**

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

TO: The Clerk of the Court

AND TO: The Defendant

TIME ESTIMATE: The length of the hearing of this Originating Summons is estimated at 30 minutes.

**THIS ORIGINATING SUMMONS** was issued by Appleby (Cayman) Ltd., Attorneys-at-Law for the Plaintiff, whose address for service is Clifton House, 75 Fort Street, PO Box 190, George Town, Grand Cayman, Cayman Islands KY1-1104 (Ref: 310187.0553/THW/PK).

**DIRECTIONS FOR ACKNOWLEDGEMENT 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, PO 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 [28] 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.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: <sup>60160</sup> OF 2015

IN THE MATTER OF: SECTION 77 OF THE REGISTERED LAND LAW (2004 REVISION)

AND IN THE MATTER OF: AN APPLICATION BY SCOTIABANK AND TRUST (CAYMAN) LTD AS CHARGEES OVER CERTAIN CHARGED PROPERTY FOR AN ORDER DIRECTING THAT THE PLAINTIFF BE PERMITTED TO SELL THE PROPERTY CHARGED BY THE DEFENDANT TO THE PLAINTIFF BY WAY OF PRIVATE TREATY

BETWEEN:

SCOTIABANK AND TRUST (CAYMAN) LTD

Plaintiff

- and -

RESTORATION CAYMAN LTD

Defendant

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**ACKNOWLEDGEMENT OF SERVICE  
OF ORIGINATING SUMMONS**

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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.

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1. State the full name of the Defendant by whom or on whose behalf the service of the

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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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Service of the Originating Summons is acknowledged accordingly

\_\_\_\_\_  
Attorney for Defendant

Date:

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.

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

Appleby (Cayman) Ltd.  
Attorneys-at-Law  
Clifton House  
75 Fort Street  
PO Box 190  
George Town  
Grand Cayman KY1-1104  
Ref: 310187.0553/TWH/PK

Endorsement 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 endorsement]