

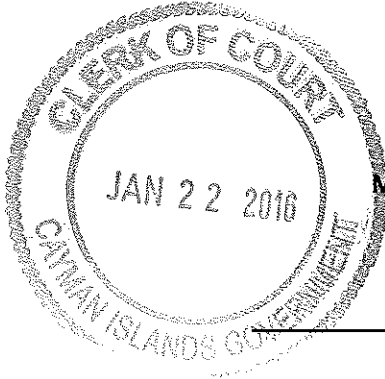
IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: *G0008* OF 2016

IN THE MATTER OF SECTION 56 REGISTERED LAND LAW (2004 REVISION)

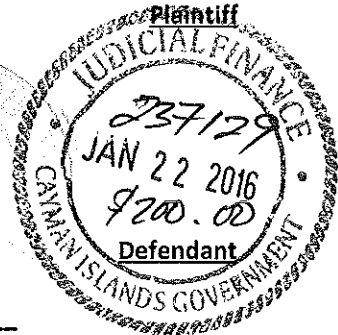
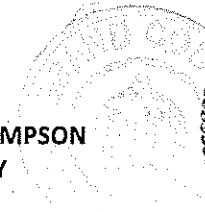
BETWEEN:

MONTPELIER PROPERTIES (CAYMAN) LIMITED



-v-

MR FRANZ KEARTON DEMAS SIMPSON  
TRADING AS COMPUCAY



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**ORIGINATING SUMMONS**

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LET THE DEFENDANT of P.O. Box 1416, George Town, Grand Cayman KY1-1110, CAYMAN ISLANDS attend before a judge in Chambers at the Law Courts, George Town, Grand Cayman on the        day of        2016, at        o'clock on the hearing of an application by the Plaintiff of P.O. Box 2136, Grand Cayman, CAYMAN ISLANDS that:

1. The Defendant shall forthwith vacate the premises known as and situate at Unit #110 Block B, Bodden House, Elizabethan Square, Grand Cayman, George Town Central, Block 14BH, Parcel 159/22D, removing all possessions, chattels, equipment and belongings thereon that belong to the Defendant.
2. The Defendant shall pay the sum of CI\$31,140.95, comprising CI\$12,071.69 pursuant to the promissory note dated 5<sup>th</sup> August 2014 and CI\$19,069.26 unpaid rent, service charges and utilities charges between 5<sup>th</sup> August 2014 to 17<sup>th</sup> December 2015 pursuant to the Lease.
3. The Defendant shall pay interest on sums due pursuant to the Promissory Note at the rate of 12% from 1<sup>st</sup> October 2014 to 19<sup>th</sup> January 2016 in the sum of CI\$1,885.17 and continuing at the daily rate of CI\$3.97 until payment of the judgment debt.
4. The Defendant shall pay contractual interest on the balance of sums due pursuant to the Lease at the rate of 12% per annum compounded at the end of each month until the date of forfeiture, in the sum of CI\$1,443.33.
5. The Defendant shall pay mesne profits for occupation at the daily rate of CI\$44.71 from 17<sup>th</sup> December 2015 until the Defendant vacates the premises described in paragraph 1 above.

6. Alternatively the Defendant shall pay interest on all sums due pursuant to section 34 Judicature Law (2013 Revision) at the annual rate of 2.35% in the total sum of CI\$656.37 and continuing to accrue from 19<sup>th</sup> January 2016 at a daily rate of CI\$0.79.
7. The Defendant shall pay the costs of the Plaintiff to be taxed if not agreed.

AND LET THE DEFENDANT within 14 days after service of this summons on him, counting the day of service, return the accompanying Acknowledgement of Service to the Courts Office, P.O. Box 495G, George Town, Grand Cayman.

Dated 21st day of January 2016

HSM Chambers

HSM Chambers

Attorneys-at-law for the Plaintiff

Time estimate: 30 minutes

To                   The Clerk of the Court  
                          Judicial Administration  
                          P.O. Box 495G  
                          CAYMAN ISLANDS, KY1-1106

NOTES:-

- 1) This Summons may not be served later than 4 calendar months (or, if leave is required to effect service out of the jurisdiction, 6 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 Acknowledgement of Service are given with the accompanying form.

This Originating Summons was issued by HSM Chambers, Attorneys for the Plaintiff, whose address for service is:  
HSM Chambers, Buckingham Square, 720 West Bay Road, PO Box 31726, Grand Cayman KY1-1207, CAYMAN ISLANDS

## 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 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.

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CAUSE NO: OF 2016

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BETWEEN:

MONTPELIER PROPERTIES (CAYMAN) LIMITED

Plaintiff

-v-

MR FRANZ KEARTON DEMAS SIMPSON  
TRADING AS COMPUCAY

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).....

[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 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 principal office.

**Please complete overleaf**

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

HSM Chambers  
Suite 3 Buckingham Square  
720 West Bay Road  
PO Box 31720  
Grand Cayman KY1-1207  
CAYMAN ISLANDS

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 Attorney indorsement]