

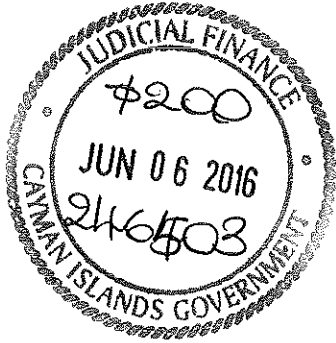
IN THE GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION

CAUSE NO. 010 OF 2016

IN THE MATTER of an Application under section 77 of
the Registered Land Law (2004 Revision) (the Law)

-AND-

IN THE MATTER OF an application by SCOTIABANK &
TRUST (CAYMAN) LTD. as Chargee of a Charge entered
as Entry Nos. 12, 20, 21 and 22 in the Cayman Islands Land
Register for property registered at Registration Section:
Spotts, Block 24C Parcel 20 (the **charged property**), for an
Order varying the effect of section 75 of the Law with
respect to the Charge, and for an order of possession.



BETWEEN: SCOTIABANK & TRUST (CAYMAN) LTD.

PLAINTIFF

AND: LEWIS M. EBANKS

DEFENDANT

ORIGINATING SUMMONS

To: Lewis M. Ebanks
415 Patrick's Avenue
P.O. Box 10009
Grand Cayman KY1-1001
Cayman Islands



LET THE DEFENDANT, of 415 Patrick's Avenue, P.O. Box 10009, Grand Cayman KY1- 1001, Cayman Islands within fourteen (14) days after service of this Summons upon him, counting the day of service, return the accompanying Acknowledgement of Service to the Courts Office, P.O. Box 495 GT, George Town, Grand Cayman.

By this Summons, which is issued on the application of Scotiabank & Trust (Cayman) Ltd. of 6, Cardinal Avenue, P.O. Box 501 Grand Cayman KY1-1106, Cayman Islands, the Plaintiff seeks the following Orders:

1. That the Plaintiff, in the exercise of the powers under the Charge entered as Entry Nos. 12, 20, 21 and 22 in the Cayman Islands Land Register, for property registered at Registration Section: Spotts, Block 24C Parcel 20 (the **charged property**), is entitled to exercise the powers of sale under the Charge and is at liberty to sell the charged property by public auction or by private treaty.
2. That this Honourable Court sanction the variations of the provisions of section 75 of the Law in so far as they apply to the Charge in order to permit the Plaintiff to sell the property by public auction or by private treaty.
3. That the Defendant and any other person in possession of the charged property deliver up possession of the charged property to the Plaintiff forthwith.
4. Alternatively, that the Defendant give reasonable access to the charged property for the purpose of allowing the charged property to be viewed by professional chartered surveyors appointed by the Plaintiff and by prospective purchasers of the charged property, or for any other purpose in connection with the Plaintiff's efforts to sell the charged property.
5. That this Honourable Court give such directions as to this Honourable Court appear appropriate.
6. That the Defendant pay the costs of this application to be taxed if not agreed on the indemnity basis and that the Plaintiff be at liberty to recover such costs out of the proceeds of the sale of the charged property.
7. That there be liberty to apply.

If the Defendant does not acknowledge service, such judgment may be given or order made against or in relation to her as the Court may think just and expedient.

Dated the 6th day of June, 2016



MOURANT OZANNES
Attorneys-at-Law for the Plaintiff

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 of the hearing of the Originating Summons, 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 filed by Mourant Ozannes, Attorneys-at-Law for the Plaintiff herein whose address for service and correspondence is that of its said Attorneys-at-Law, 4th Floor, 94 Solaris Avenue, Camana Bay, P.O. Box 1348 Grand Cayman KY1-1108.

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. 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.
3. 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*)".
4. 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.
5. 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.
6. 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 his behalf.
7. Where the Defendant is a **MINOR** or a **MENTAL PATIENT**, the form must be completed by an Attorney acting for a guardian *ad litem*.
8. A Defendant acting in person may obtain help in completing the form at the Courts Office.

Service of the Originating Summons is acknowledged accordingly

(Signed)

[Attorney] for

[Defendant in person]

Address for service:

Notes on address for service:

Attorneys: 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.

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

Messrs. Mourant Ozannes
Attorneys-at-Law
94 Solaris Avenue
Camana Bay
P.O. Box 1348
Grand Cayman KY1-1108

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