

IN THE GRAND COURT OF THE CAYMAN ISLANDS
FINANCIAL SERVICES DIVISION

CAUSE NO: FSD 1148 OF 2016 ()

IN THE MATTER OF SECTION 46 OF THE COMPANIES LAW (2016 REVISION)
AND IN THE MATTER OF WATERFRONT DEVELOPMENTS LTD

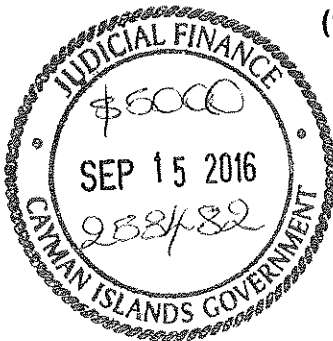
BETWEEN:

LEWIS EBANKS

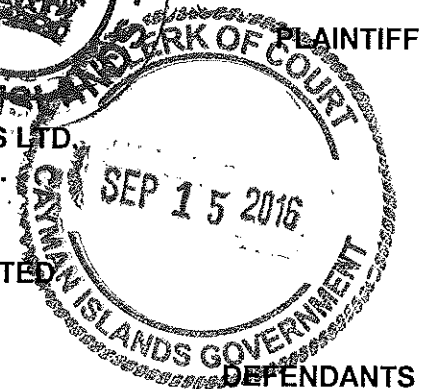


PLAINTIFF

AND:



- (1) WATERFRONT DEVELOPMENTS LTD.
- (2) HERITAGE HOLDINGS LTD.
- (3) JOHN BURKE
- (4) PAMELLA BURKE
- (5) INVICTA CONSTRUCTION LIMITED



DEFENDANTS

ORIGINATING SUMMONS

TO: Waterfront Developments Ltd., PO Box 1350, Clifton House, 75 Fort Street, George Town, Grand Cayman, Cayman Islands

Heritage Holdings Ltd., PO Box 787, Grand Cayman, KY1-1303, Cayman Islands

Mr John Burke, The Shores, West Bay, Grand Cayman, Cayman Islands

Ms Pamela Burke, The Shores, West Bay, Grand Cayman, Cayman Islands

Invicta Construction Limited, PO Box 787, Grand Cayman, KY1-1303, Cayman Islands

LET THE DEFENDANTS, within 14 days after service of this Summons, counting the day of service, return the accompanying Acknowledgment of Service to the Courts office, PO Box 495, George Town, Grand Cayman, KY1-1106.

By this Summons, which is issued on the application of Mr Lewis Ebanks of George Town, Cayman Islands, the Plaintiff seeks orders that:

1. Pursuant to section 46 of the Companies Law (2016 Revision) (the "Law"), the Register of Members of Waterfront Developments Ltd. ("WDL") (the "Register") be rectified by striking from the Register that entry dated 14 July 2016 purporting to record the transfer of 1 share of WDL from the Plaintiff to Heritage Holdings Ltd. ("HHL") in order that the Register record that the Plaintiff and HHL are each the holders of 1 share of WDL.
2. Pursuant to section 46 of the Law, that there be an inquiry as to any loss or damage sustained by the Plaintiff as a result of having been omitted from the Register of Members of WDL since 14 July 2016 and an order that the Second and/or Third and/or Fourth and/or Fifth Defendants do pay to the Plaintiff any damages found to be due to the Plaintiff upon such inquiry having been made;
3. The cost of this Originating Summons be paid by the Second to Fifth Defendants;
4. There be such further or alternative relief granted as the Court shall think fit.

Dated the 15th day of September 2016.



Carey Olsen, Attorneys 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 that date unless renewed by order of the Court.
- 2) If the Defendant does not acknowledge service, such judgment may be given or order made against or in relation to him as the Court may think just and expedient.

IMPORTANT

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

**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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BETWEEN:

LEWIS EBANKS

PLAINTIFF

AND:

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- (2) HERITAGE HOLDINGS LTD.**
- (3) JOHN BURKE**
- (4) PAMELLA BURKE**
- (5) INVICTA CONSTRUCTION LIMITED**

DEFENDANTS

**ACKNOWLEDGMENT 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 the proceedings (tick appropriate box)
 yes no

Service of the Originating Summons is acknowledged accordingly.

(Signed)
Attorney for

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.

Carey Olsen
PO Box 10008
Willow House, Cricket Square
Grand Cayman KY1-1001
Cayman Islands
(ref: SD/AD/1061377)

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