

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: <sup>23</sup> OF 2018

BETWEEN: SCOTIABANK & TRUST (CAYMAN) LTD PLAINTIFF

AND: DIANE A. HENRY FIRST DEFENDANT

AND: TREVOR H. HENRY SECOND DEFENDANT



ORIGINATING SUMMONS



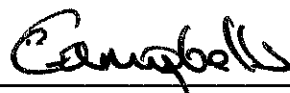
LET THE PARTIES attend before a Judge in Chambers, at the Law Courts, George Town, Grand Cayman on the 21<sup>st</sup> day of February 2018 at 9.30am on the hearing of an application by the Plaintiff for the following Order that:

1. This Honourable Court do sanction and permit a variation of the provisions of section 75(2) of the Registered Land Law (2004 Revision) ("the Law") under the provisions of section 77 of the Law to allow the Plaintiff to recover possession of the property known as Registration Section Bodden Town, Block 43A, Parcel 172 ("the Property") in 48 hours from the date of this order.
2. The Defendants and any other person occupying the Property do, within 48 hours of this Order, vacate the Property and take all appropriate steps to give the Plaintiff vacant possession of the Property.
3. The Plaintiff do have leave to issue a Writ of Possession in relation to the Property at the expiry of the 48 hours referred to in paragraphs 1 and 2 above.
4. That the Court Bailiff be directed to execute the Writ of Possession within 48 hours of receiving it.
5. Such further or other relief as this Honourable Court may deem appropriate.

**AND LET THE DEFENDANTS** on or before the return date of this Originating Summons, return the accompanying Acknowledgement of Service to the Courts office.

**DATED:** 7 February 2018

**FILED:**

  
CAMPBELLS  
Attorneys at Law for the Plaintiff

**NOTES:**

- (1) This Summons may not be served later than 4 calendar 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 Acknowledgment of Service are given with the accompanying form.

Time Estimate: 15 minutes

To: The Clerk of the Court

And To: Diane A. Henry, the First Defendant

And To: Trevor H. Henry, the Second Defendant

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AND: DIANE A. HENRY FIRST DEFENDANT

AND: TREVOR H. HENRY SECOND 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).....

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.

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

**Campbells  
P O Box 884  
George Town  
Grand Cayman  
Tel: 949 2648  
Fax: 949 8613  
(Ref: JAS/13456-25986)**

*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]

## DIRECTIONS FOR ACKNOWLEDGMENT 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, 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 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 as 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 purposes 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 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.
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