

IN THE GRAND COURT OF THE CAYMAN ISLANDS

799
CAUSE NO. of 1997

IN THE MATTER of The Registered Land Law, Section 147.

AND IN THE MATTER of An Appeal from the Decision of the Registrar of Lands dated October 28, 1997 in regard to The Boundary Determination between Block 8A Parcels 41, 120 and 121 in the North East Registration Section of Grand Cayman.

NOTICE OF ORIGINATING MOTION

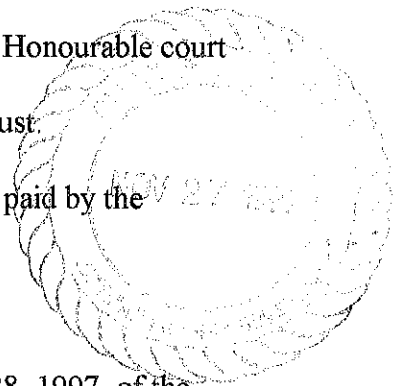
TAKE NOTICE that the Court at the Law Courts, George Town, Grand Cayman will be moved on *January 21, 1998* at *10:50* or as soon thereafter as counsel can be heard, by counsel on behalf of Rudolph M. Garvin for the following Orders:

1. That the Decision of the Registrar of Lands dated October 28, 1997 respecting a Boundary Determination be set aside;
2. That the Boundary between the stated lands be determined by this Honourable court as being as set out in the General Boundary Survey No. 5056.
3. Such further and other relief as this Honourable Court may deem just.

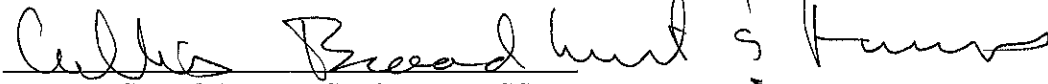
And for an order that the costs of and incidental to this appeal may be paid by the Respondent.

AND FURTHER TAKE NOTICE that the grounds of this appeal are:

1. That the Registrar of Lands made a determination dated October 28, 1997, of the location of the boundary between the lands as described above. The determination was that the cadastral record be amended to show that the boundary between the above lands be the concrete and wooden fence as described in GB5056
2. That the Registrar of Lands erred in his determination that the existing concrete wall and fence was erected only in a slightly different position than the original line of birch trees.
3. That the Registrar of Lands erred in not finding that further encroachment occurring in the construction of the concrete wall was significant or in not making a determination of the extent of the further encroachment of the concrete and wooden fence.
4. That the Registrar of Lands erred in determining that a claim respecting the removal of the encroaching of the concrete and wooden fence was statute barred
5. That the Registrar of Lands erred in not permitting Reply evidence from the Applicant to the evidence of Henry Morgan.
6. That the Registrar of Lands erred in not admitting the signed Statement of Gary Dominguez.



Dated the 26th day of November, 1997


A handwritten signature in cursive script, appearing to read "Collins Broadhurst & Furniss", is written over a horizontal line.

COLLINS BROADHURST & FURNISS

Attorneys-at-Law for the Applicant Rudolph M. Garvin

TO: The Clerk of the Court

AND TO: The Registrar of Lands

AND TO: Myers & Alberga
Attorneys at Law for Henry Morgan

AND TO Henry Morgan

This Notice of Originating Motion was issued by Collins Broadhurst & Furniss, Attorneys-at-Law for the Applicant, Rudolf M. Garvin, whose address for service is COLLINS BROADHURST & FURNISS, Attorneys-at-Law, P.O. Box 2503 GT, 40 Myles Crescent, George Town, Grand Cayman, Cayman Islands, B.W.I.