

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 99 OF 1998

BETWEEN: KIRK ESTATES LTD.

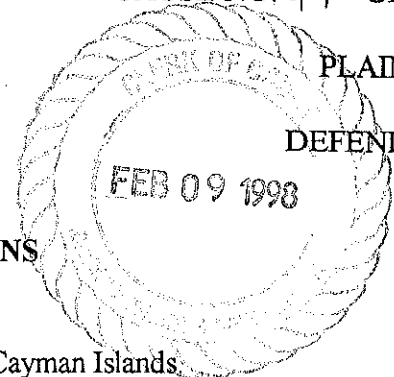
PLAINTIFF

AND: WINSTON McNAMEE

DEFENDANT



ORIGINATING SUMMONS



TO: Winston McNamee, P.O. Box 333 WB, Grand Cayman, Cayman Islands.

LET THE DEFENDANT, within 14 days after service of this Summons on him, counting the day of service, return the accompanying Acknowledgment of Service to the Courts office, P.O. Box 495 GT., George Town, Grand Cayman, Cayman Islands.

By this Summons, which is issued on the application of Kirk Estates Ltd. of North Church Street, George Town, Grand Cayman, the Plaintiff claims against the Defendant the relief set out after the Particulars of Claim.

PARTICULARS OF CLAIM

1. The Plaintiff is entitled to possession of premises known as Billy's Place, North Church Street, George Town, Grand Cayman and forming part of the land registered in the George Town Central Registration Section Block 13 Parcel 23 which was by a lease dated 25th June 1997 and made between the Plaintiff and the Defendant, let to the Defendant for a term of five (5) years from the 1st June 1997 at a yearly rent of CI\$36,000.00, payable monthly in advance on the first day of each month and subject to a proviso for forfeiture should any instalment of rent or any part of an instalment remain unpaid notwithstanding service of a notice under section 56 of The Registered Land Law.
2. The Defendant has failed to pay rent for the months of October 1997 to date and the said rent is now CI\$15,000.00 in arrears. On the 5th January 1998 a notice before forfeiture under section 56 of The Registered Land Law was served upon the Defendant requiring the Defendant to remedy the breach and pay the rent then due of CI\$12,000.00 within twenty-one (21) days of the date of the notice.
3. The Defendant failed to pay the rent and remedy the breach specified in the section 56 notice within the twenty-one (21) days or at all and the term became forfeited to the Plaintiff by reason of the failure to pay the rent.
4. Further, pursuant to section 34 of The Judicature Law (1995 Revision), the Plaintiff is entitled to and claims to recover interest upon the said rent, at a rate of 7 3/8% per annum from 1st October 1997 to the 8th February 1998, namely CI\$276.10 and thereafter at the daily rate of CI\$3.03 until judgment herein or sooner payment.

AND THE PLAINTIFF claims:

1. possession of the said premises;
2. rent at the rate of CI\$36,000.00 per annum from 1st October, 1997 until the date of service of the originating summons herein is effected;
3. mesne profits at the rate of CI\$36,000.00 per annum from the date of service of the Originating Summons herein until possession be given up;
4. Interest on the said rent and the mesne profits pursuant to The Judicature Law (1995 Revision).
5. Costs.

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.

Dated the 9th day of February 1998.

Orren Merren & Company
ORREN MERREN & COMPANY
Attorneys-at-Law for the Plaintiff

TIME ESTIMATE: The estimated length of the hearing of this summons is 30 minutes.

NOTE - 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.

IMPORTANT

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

This Originating Summons was issued by Orren Merren & Company Attorneys-at-Law for the Plaintiff whose address for service is Kirk House Third Floor, Albert Panton Street, P. O. Box 481G, Grand Cayman, Cayman Islands.

Acknowledgment of service of originating summons (O.10, r.5)

**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 its 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.

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

Orren Merren and Company
Kirk House, 3rd Floor
Albert Panton Street
P.O. Box 481
Grand Cayman
Cayman Islands, B. W. I.
REF: Mr. Adrian Taylor

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