


AND LET THE DEFENDANT within 14 days after service of this Summons on him, counting the date of service, return the accompanying Acknowledgement of Service to the Courts Office, P.O. Box 495, George Town, Grand Cayman.

DATED this 4th day of June 1998.


TRUMAN BODDEN & COMPANY
Attorneys-at-Law for and on behalf of
The Plaintiff herein

TIME ESTIMATE: The estimated length of the hearing of this Summons is 45 minutes.

NOTES:-

1. This Summons may not be served later than four 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.

It is not intended to serve this Originating Summons on the Defendant since they do not intend to oppose this application. ...

THIS ORIGINATING SUMMONS was issued by Messrs. Truman Bodden & Company, Attorneys-at-Law for the Plaintiff herein, whose address for service is Anderson Square Building, 3rd Floor, P.O. Box 866, George Town, Grand Cayman, Cayman Islands.

IN THE MATTER OF ACTIVE BANK INTERNATIONAL LTD. (IN VOLUNTARY LIQUIDATION)

AND IN THE MATTER OF THE COMPANIES LAW (1995 REVISION) SECTIONS 102 AND 140

AND IN THE MATTER OF AN APPLICATION TO STAY THE WINDING-UP OF
ACTIVE BANK INTERNATIONAL LTD.

BETWEEN: ACTIVE BANK INTERNATIONAL LTD. PLAINTIFF
(In Voluntary Liquidation)

AND: THE REGISTRAR OF COMPANIES DEFENDANT

**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 or otherwise participate in the proceedings (*tick appropriate box*)

Yes

No

Service of the Originating Summons is acknowledged accordingly

(Signed).....

[Attorney] for

[Defendant in person]

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 principal office.

Please complete overleaf

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

Truman Bodden & Co.
PO Box 866
George Town
Ref:

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

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 named 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.