

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 379 OF 1998

In the Matter of the Registered Land Law

BETWEEN: CAYMAN NATIONAL BANK LTD PLAINTIFF
AND: DEBRA PRENDERGAST DEFENDANT

ORIGINATING SUMMONS

LET THE DEFENDANT attend before the Judge in Chambers, at the Law Courts, George Town, Grand Cayman on the 23rd day of July 1998, at 2:45 o'clock on the hearing of an application by the Plaintiff for the following orders:

1. That this Honorable Court do sanction and permit the Sale by Private Treaty by the Plaintiff of all that property registered in the Cayman Islands Land Register with absolute title and being particularly known as Registration Section Lower Valley Block 32D Parcel 48 ("the Property") as Chargee with a power of sale over the Property.
2. That the Defendant shall allow the Plaintiff's two (2) professional valuers access to the Defendant's Property for the sole purpose of inspecting the property and preparing valuations.
3. That the Defendant and any other person occupying the Property do, within 28 days of this Order, vacate the Property and take all appropriate steps to give the Plaintiff vacant possession of the Property.
4. That this Honourable Court shall give directions with regard to the price for the sale of the Property.
5. Such further or other relief as this Honourable Court may deem appropriate.

LET THE DEFENDANTS, within 14 days after service of this Summons on them, counting the day of service, return the accompanying Acknowledgment of Service to the Courts Office, P.O. Box 495G, George Town, Grand Cayman.

Dated the 12th day of June, 1998.

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

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 estimated: 15 minutes

To: The Clerk of the Court

And to: Brooks & Brooks
Attorneys-at-Law for the Defendant

THIS ORIGINATING SUMMONS was issued by Messrs. Orren Merren & Company, whose address for service is Kirk House Third Floor, Albert Panton Street, P. O. Box 481G, Grand Cayman, Cayman Islands, British West Indies, Attorneys-at-Law for the Plaintiff.

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.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: of 1998

BETWEEN: CAYMAN NATIONAL BANK LTD.

PLAINTIFF

AND: DEBRA J. PRENDERGAST

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 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.

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.

[Empty box for defendant's indorsement]