

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 482 OF 1998

IN THE MATTER OF AN APPLICATION PURSUANT TO SECTION 22 OF THE
ARBITRATION LAW (1996 REVISION)

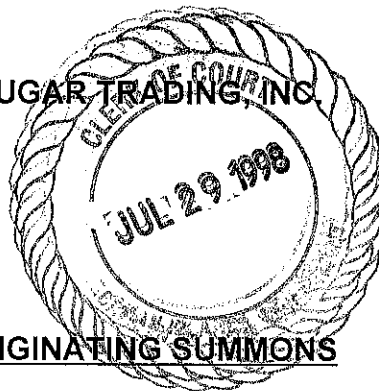
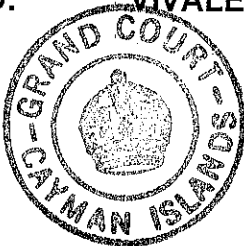
AND IN THE MATTER OF THE FOREIGN ARBITRAL AWARDS ENFORCEMENT
LAW (1997 REVISION)

AND IN THE MATTER OF ORDER 73, RULE 4, OF THE GRAND COURT RULES
(1995)

BETWEEN: CZARNIKOW-RIONDA SUGAR TRADING, INC. PLAINTIFF

AND: VIVALET LIMITED

DEFENDANT



EX-PARTE ORIGINATING SUMMONS

LET ALL PARTIES CONCERNED attend before Judge in Chambers, at the Law
Courts, George Town, Grand Cayman on the 29th day of July, 1998, at
2:30 o'clock, on the hearing of an application by the Plaintiff for the following order:


1. An Order pursuant to Section 22 of the Arbitration Law (1996 Revision), that the Plaintiff may have leave to enforce the award dated the 1st July, 1998, of William Anthony Hogan, John H. Gebhard and Robert D. Tramm, the arbitrators appointed to the arbitration between Czarnikow-Rionda Sugar Trading, Inc., Claimant AND Grupo Dine, Dine S.A. Commercial Exportadora, Usina Santa Rita S/A Acucar E Alcohol and Vivalet Limited, Respondents under the contract for the physical delivery of Brazilian sugar

executed by the parties on May 23, 1997 and identified as Contract Number 970234 (the "Contract") for damages in the amount of Four Million Four Hundred Thousand United States Dollars (US\$4,400,000.00) against the Defendant in the same manner as a judgment or order to the same effect.

2. An Order that the Defendant do pay the costs of this application and of any judgment which may be entered hereafter to be taxed if not agreed.

AND LET THE DEFENDANT, within 14 days after service of this Summons on it, counting the day of service, return the accompanying Acknowledgement of Service to the Courts Office.

Dated the 29th day of July, 1998.


CHARLES ADAMS, RITCHIE & DUCKWORTH
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 Acknowledgement of Service are given with the accompanying form.

THIS ORIGINATING SUMMONS was issued by Charles Adams, Ritchie & Duckworth for and on behalf of the Plaintiff whose address for service is that of its said Attorneys, P. O. Box 709, Zephyr House, Mary Street, George Town, Grand Cayman.

DIRECTIONS FOR ACKNOWLEDGEMENT 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 485G, 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 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 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.

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 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.

Charles Adams, Ritchie & Duckworth
Attorneys-at-Law
P.O. Box 709
George Town
Grand Cayman

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

FILED BY: CHARLES ADAMS, RITCHIE & DUCKWORTH, Attorneys-at-Law for and on behalf of the Plaintiff herein whose address for service is that of its said Attorneys-at-Law, P.O. Box 709, Zephyr House, Mary Street, George Town, Grand Cayman, B.W.I.