

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 245 OF 1995

IN THE MATTER OF THE REGISTERED LAND LAW (REVISED)

Between:

HAROLD E. BROWN

Plaintiff

-and-

**GREEN THUMB NURSERY & LANDSCAPING LTD.
(hereinafter "Green Thumb")**

First Defendant

- and -

**RAPHAELLENA LIMITED
(hereinafter "Raphaellena")**

Second Defendant

-and-

**BARCLAYS BANK PLC
(hereinafter "Barclays")**

Third Defendant

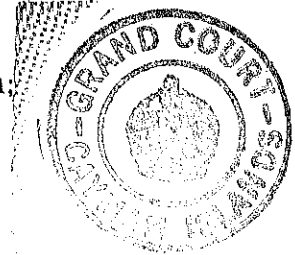


ORIGINATING SUMMONS

To: Green Thumb Nursery & Landscaping Ltd.
P.O. Box 31384 SMB, Grand Cayman;

And To: Raphaellena Limited,
P.O. Box 31384 SMB, Grand Cayman;

And To: Barclays Bank plc,
P.O. Box 68, Grand Cayman



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

By this Summons, which is issued on the application of Harold E. Brown, of P.O. Box 2079, George Town, Grand Cayman, the Plaintiff claims against the Defendants the following relief:

1. Against Green Thumb and Barclays:

A) that the Register with respect to the land described as Registration Section Rum Point Block 40A Parcel 1 be rectified by:

- (i) deleting entry number 3 in the Proprietorship Section thereof;
- (ii) restoring entry number 2 therein;

so that the name of Green Thumb Nursery & Landscaping Ltd. be deleted as the Proprietor of the said land and the name of Harold E. Brown be restored as the Proprietor thereof; and

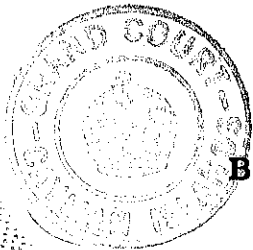
- (iii) by deleting entries Numbers 2 and 3 in the Encumbrances Section thereof so that the charge shown thereon and the name of the Proprietor of the charge, Barclays Bank plc, be deleted;

B) that the Register with respect to the land described as Registration Section Rum Point Block 40A Parcel 2 be rectified by:

- (i) deleting entry number 3 in the Proprietorship Section thereof;
- (ii) restoring entry number 2 therein;

so that the name of Green Thumb Nursery & Landscaping Ltd. be deleted as the Proprietor of the said land and the name of Harold E. Brown be restored as the Proprietor thereof; and

- (iii) by deleting entries Numbers 1 and 2 in the Encumbrances Section thereof so that the charge shown thereon and the name of the Proprietor of the charge, Barclays Bank plc, be deleted;



C) that the Register with respect to the land described as Registration Section George Town Central Block 13D Parcel 37 be rectified by:

- (i) deleting entry number 3 in the Proprietorship Section thereof;
- (ii) restoring entry number 2 therein;

so that the name of Green Thumb Nursery & Landscaping Ltd. be deleted as the Proprietor of the said land and the name of Harold E. Brown be restored as the Proprietor thereof; and

- (iii) by deleting entries Numbers 1, 2, 3 and 4 in the Encumbrances Section thereof so that the charge shown thereon and the name of the Proprietor of the charge, Barclays Bank plc, be deleted;

2. Against Raphaellena and Barclays:

D) that the Register with respect to the land described as Registration Section Rum Point Block 40A Parcel 48 be rectified by:

- (i) deleting entry number 3 in the Proprietorship Section thereof;
- (ii) restoring entry number 2 therein;

so that the name of Raphaellena Limited be deleted as the Proprietor of the said land and the name of Harold E. Brown be restored as the Proprietor thereof; and

- (iii) by deleting entries Numbers 1 and 2 in the Encumbrances Section thereof so that the charge shown thereon and the name of the Proprietor of the charge, Barclays Bank plc, be deleted;

E) that the Register with respect to the land described as Registration Section Rum Point Block 40A Parcel 41 be rectified by:

- (i) deleting entry number 3 in the Proprietorship Section thereof;

(ii) restoring entry number 2 therein;

so that the name of Raphaellena Limited be deleted as the Proprietor of the said land and the name of Harold E. Brown be restored as the Proprietor thereof; and

(iii) by deleting entries Numbers 2 and 3 in the Encumbrances Section thereof, so that the charge shown thereon and the name of the Proprietor of the charge, Barclays Bank plc, be deleted;

F) that the Register with respect to the land described as Registration Section Rum Point Block 39E Parcel 13 be rectified by:

(i) deleting entry number 3 in the Proprietorship Section thereof;

(ii) restoring entry number 2 therein;

so that the name of Raphaellena Limited be deleted as the Proprietor of the said land and the name of Harold E. Brown be restored as the Proprietor thereof; and

(iii) by deleting entries Numbers 2 and 3 in the Encumbrances Section thereof ; so that the charge shown thereon and the name of the Proprietor of the charge, Barclays Bank plc, be deleted;

G) that the Register with respect to the land described as Registration Section George Town East Block 20B Parcel 153 be rectified by:

(i) deleting entry number 4 in the Proprietorship Section thereof;

(ii) restoring entry number 3 therein;

so that the name of Raphaellena Limited be deleted as the Proprietor of the said land and the name of Harold E. Brown be restored as the Proprietor thereof; and

(iii) by deleting entries Numbers 3 and 4 in the Encumbrances Section thereof; so that the charge shown thereon and the name of the Proprietor of the charge, Barclays Bank plc, be deleted;



H) that the Register with respect to the land described as Registered Section West Bay Beach South Block 12D Parcel 12 be rectified by:

- (i) deleting entry number 3 in the Proprietorship Section thereof;
- (ii) restoring entry number 2 therein;

so that the name of Raphaellena Limited be deleted as the Proprietor of the said land and the name of Harold E. Brown be restored as the Proprietor thereof; and

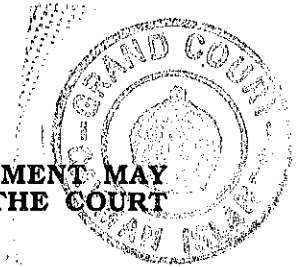
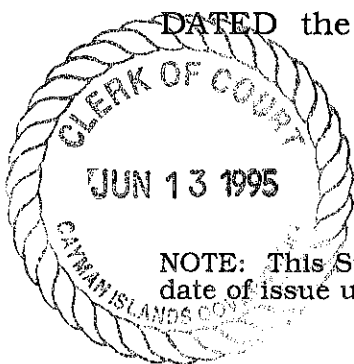
- (iii) by deleting entries Numbers 5 and 6 in the Encumbrances Section thereof; so that the charge shown thereon and the name of the Proprietor of the charge, Barclays Bank plc, be deleted;

3. Against all the Defendants:

- I) Such further and/or other relief as this Honourable Court deems just;
- J) Costs;

IF THE DEFENDANTS DO NOT ACKNOWLEDGE SERVICE, SUCH JUDGEMENT MAY BE GIVEN OR ORDER MADE AGAINST OR IN RELATION TO THEM AS THE COURT THINK JUST AND EXPEDIENT.

DATED the 13th day of June 1995.



Collins Broadhurst & Furniss
Collins Broadhurst & Furniss
Attorneys-at-Law
for the Plaintiff herein

NOTE: This Summons may not be served later than 4 calendar months beginning with the date of issue unless renewed by order of the Court.

IMPORTANT

Directions for Acknowledgement of Service are given with the accompanying form.

THIS ORIGINATING SUMMONS WAS ISSUED BY COLLINS BROADHURST & FURNISS, OF P.O. BOX 2503, ELIZABETHAN SQUARE, GEORGE TOWN, GRAND CAYMAN, ATTORNEYS-AT-LAW FOR THE PLAINTIFF HEREIN, WHOSE ADDRESS FOR SERVICE IS THAT OF HIS SAID ATTORNEYS-AT-LAW.

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HAROLD E. BROWN

Plaintiff

-and-

**GREEN THUMB NURSERY & LANDSCAPING LTD.
(hereinafter "Green Thumb")**

First Defendant

- and -

**RAPHAELLENA LIMITED
(hereinafter "Raphaellena")**

Second Defendant

-and-

**BARCLAYS BANK PLC
(hereinafter "Barclays")**

Third Defendant

ACKNOWLEDGEMENT OF SERVICE OF ORIGINATING SUMMONS

1. The full name of the Defendant by whom or on whose behalf the service of the Originating Summons is being acknowledged is:
2. State whether the Defendant intends to contest the proceedings.

Yes No

Service of the Originating Summons is acknowledged accordingly.

Indorsement by Plaintiff's Attorney

COLLINS BROADHURST & FURNISS
Elizabethan Square
P.O. Box 2503
George Town, Gand Cayman
per: Peter A. Broadhurst

Indorsement by Defendant's Attorney

[Empty box for Defendant's Attorney Indorsement]

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

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 495G, George Town, Grand Cayman.

Notes for Guidance

1. Each Defendant (if there are more than one) is required to complete and Acknowledgement 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 form³ 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 authorized 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.