

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 738 OF 1998

In the matter of the Partnership Law (1995 Revision) s. 35

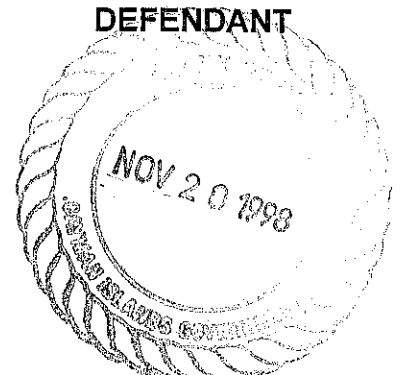
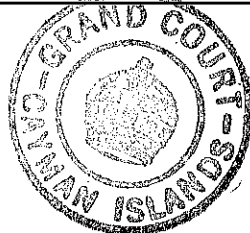
And in the matter of a partnership between Frances Elliot Griffin and Jill Foster trading as "Spa Esprit"

BETWEEN: FRANCES ELLIOT GRIFFIN PLAINTIFF

AND: JIL FOSTER DEFENDANT

ORIGINATING SUMMONS

To: Jil Foster
 Governors Harbour
 Seven Mile Beach



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 495G, George Town, Grand Cayman

By this Summons, which is issued on the application of Frances Elliot Griffin of PO Box 31962 SMB, Grand Cayman, the Plaintiff's claims for relief are as follows:

1. A declaration that the partnership between the Plaintiff and the Defendant evidenced by an agreement in writing and made between the Plaintiff of the first part and the Defendant Jill Foster of the other part and operating as a division of Summit Holding Ltd. under the name of "Spa Esprit" and implied by the conduct of the parties which partnership was dissolved on 17 February 1998;
2. An order that Frances Elliot Griffin of PO Box 31962 SMB, Grand Cayman, or some other proper person may be appointed to receive the debts now due and owing and other property assets or effects belonging to the partnership and that for that purpose all proper directions may be given;
3. An order that the following accounts and inquiries be taken and made that is to say:
 - a) an account of the partnership debts and liabilities at the Bank of Butterfield
 - b) an account of all receipts and payments, dealings and transactions of the Defendant in respect of the partnership business

- c) an inquiry as to what has become of the property and assets of the partnership business since the said dissolution on 17 February 1998
- d) an account of monies held by the Department of Immigration in connection with work permit fees in respect of the staff of "Spa Esprit"
- e) an account of and inquiry into the disposition of certain funds relating to the salon operated by "Spa Esprit" at the Radisson Hotel (now the Marriott Hotel) and resulting in litigation in Cause No. 577 of 1998 between Summit Holdings Ltd (1) and Wimar Ltd (2).

4. Costs

5. Such further or other relief as to the Court may seem fit.

If the Defendant does not acknowledge service, such judgment may be given or order made against or in relation to her as the Court may think just and expedient.

Dated the 20th day of November 1998.


TRUMAN BODDEN & COMPANY

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 form.

This Notice was filed by Truman Bodden & Company, Attorneys-at-Law, whose address for service is Anderson Square, P.O. Box 866, George Town, Grand Cayman, British West Indies.

**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.

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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: PSB/3994

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 Attorney indorsement]