

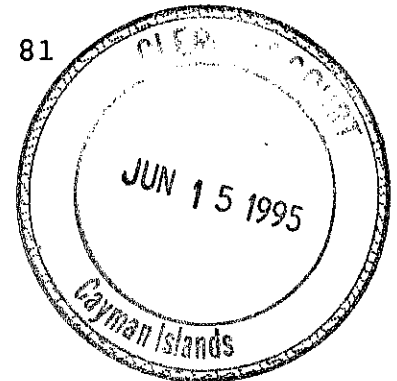
IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 249 OF 1995

BETWEEN: ROBERT KLOTZ
JAN KLOTZ

PLAINTIFFS

AND: (1) THE PROPRIETORS OF STRATA PLAN NO 81
(A CORPORATION)
(2) JOSEPH E MATENAER
(3) RONALD CHANDLER
(4) DONALD LANDAN
(5) ELIZABETH CRAWFORD
(6) PAUL ZELLER
(7) JOHN TURNER
(8) DEAN MOORE



DEFENDANTS

WRIT OF SUMMONS

TO: (1) THE PROPRIETORS OF STRATA PLAN NO 81
(A CORPORATION)
Post Office Box 439
West Bay
Grand Cayman

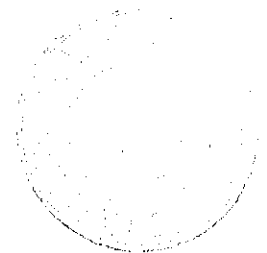
(2) JOSEPH E MATENAER
1152 North 11th Avenue
West Bend, WI 53095

(3) RONALD CHANDLER
4830 Curtis Street
Dearborn, MI 48126

(4) DONALD LANDAN
170 Executive Drive
New Hyde Park, NY 11040

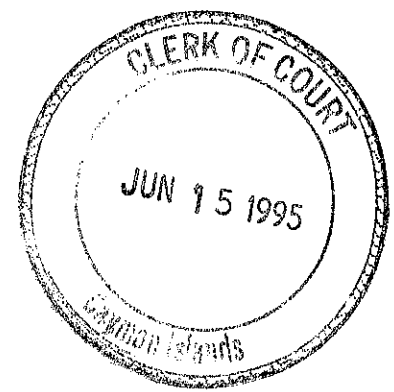
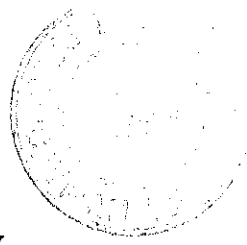
(5) ELIZABETH CRAWFORD
506 Sasco Hill Road
Post Office Box 1161
Southport, CT 06490

(6) PAUL ZELLER
North 2806 Wildwood Drive
Lake Geneva, WI 53417



(7) JOHN TURNER
Post Office Box 607
2555 Route #9
Oceanview, NJ 08230

(8) DEAN MOORE
1489 Bridgewater Way
Annapolis, MD 21401



THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff in respect of the claim set out on the next page.

Within 14 days after the service of this Writ on you, counting the day of service, you must either satisfy the claim or return to the Court Office, P.O. Box 495G, George Town, Grand Cayman, the accompanying Acknowledgment of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgment within the time stated, or if you return the Acknowledgment without stating therein an intention to contest the proceedings, the Plaintiff may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this ¹⁴15 day of June 1995.

NOTE - This Writ 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 the date of issue unless renewed by order of the Court.

IMPORTANT

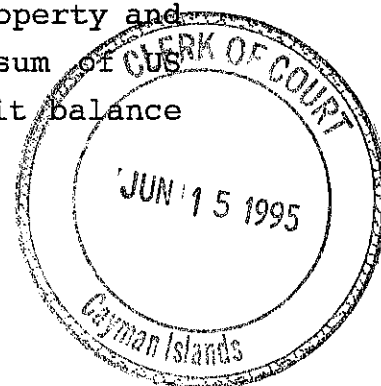
Directions for Acknowledgment of Service are given with the accompanying form.

STATEMENT OF CLAIM

1. The 1st Defendant is a Strata Corporation (hereinafter referred to as "the Strata Corporation") created under The

Strata Titles Registration Law 1973 and came into existence on 19 February 1987 when Strata Plan No 81 was registered in the Cayman Islands Land Registry. The Strata Corporation was created to promote the common interests of a condominium development on Seven Mile Beach known as Discovery Point Club. The 2nd to 8th Defendants are members of The Executive Committee of the Strata Corporation.

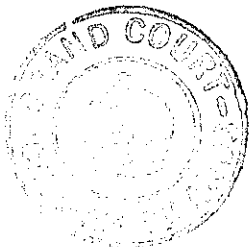
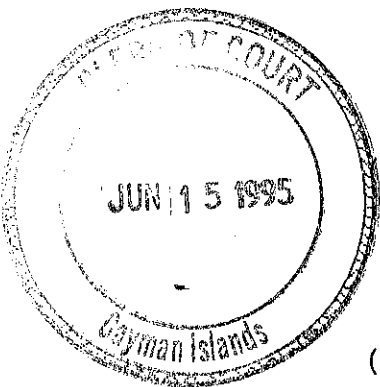
2. The Plaintiffs owned Apartment No 4 at Discovery Point Club from April 1988 to 30 September 1994 and at all material times were registered proprietors of a strata lot.
3. During the period the Plaintiffs were registered proprietors of a strata lot they placed their property within the Rental Plan as provided in the Second Schedule to the By-Laws of the Strata Corporation. The costs of the Rental Plan are determined by the Strata Corporation at its General Meeting each year together with a Rental Plan Budget for the following year. Over a period of time a surplus accumulated in the Rental Plan and on 17 March 1994 the Executive Committee resolved to make a special distribution of the surplus to the participating proprietors.
4. In spite of numerous requests, The Strata Corporation and the members of the Executive Committee have failed to make any distribution to the Plaintiffs and other proprietors of the Rental Plan.
5. During the period 1 June to 30 September 1994 the Plaintiffs property was let on numerous occasions by the Strata Corporation to transient guests pursuant to the Rental Plan.
6. On 30th September 1994 the Plaintiffs sold their property and at closing the Strata Corporation required the sum of US \$1600.00 to be paid to them on account of any debit balance due on the Plaintiffs account.



7. The Plaintiffs have repeatedly sought an accounting from the Strata Corporation in respect of the distribution due to them from The Rental Plan, the gross receipts received by it for the letting of their property for the period 1 June to 30 September 1994 and in respect of the moneys paid to it at the closing of the sale of the Plaintiffs property. In particular letters written on behalf of the Plaintiffs dated 22 March 1995 and 6 April 1995 have not been satisfactorily answered.
8. The Strata Corporation and its Executive Committee have failed in their fiduciary duties to the Plaintiffs to account in respect of the moneys received or held on behalf of the Plaintiffs.
9. By reason of the default of the Strata Corporation and its Executive Members, the Plaintiffs are entitled to claim an order for an account or other equitable relief to enforce compliance with the Strata Corporations accounting obligations to the Plaintiffs both at common law and under its By-Laws.

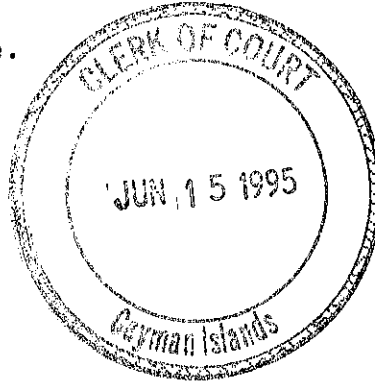
AND THE PLAINTIFFS CLAIM:

1. Under paragraphs 3,5 and 7 the Plaintiffs claim an order for an account in respect of:
 - (i) the special distribution from the Rental Plan Surplus agreed by the Executive Committee on 17 March 1994.
 - (ii) The moneys received by the Defendants in respect of the letting of the Plaintiffs property during the period 1 June to 30 September 1994.
 - (iii) The moneys retained by the Defendants at the closing of the sale of the Plaintiffs property.



2. Judgment for such sum as may be found due to the Plaintiffs upon taking the account.
3. Such further or other relief as the court may deem appropriate.
4. Interest pursuant to Statute.
5. Costs.

Dated this 15th day of June 1995.



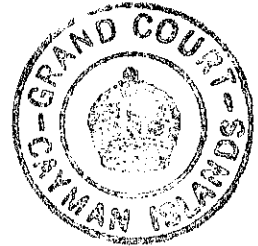
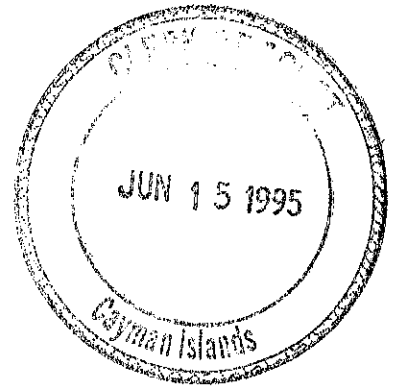
C. S. Gill & Co.

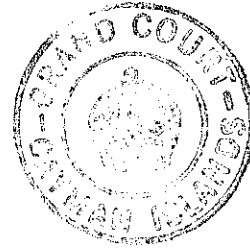
C S GILL & CO

THIS WRIT is issued by C S Gill & Co, Attorneys-at-Law for the Plaintiffs herein whose address for service is 4th Floor Genesis Building, P O Box 945, George Town, Grand Cayman, BWI.

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 Writ of 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.





DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE
OF WRIT OF SUMMONS

1. 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.

2. A Defendant who states in his Acknowledgment of Service that he intends to contest the proceedings *must also serve a defence* on the Attorney for the Plaintiff (or on the Plaintiff if acting in person).

If a Statement of Claim is indorsed on the Writ (i.e. the words "Statement of Claim" appear on the top of page 2), the Defence must be served within 14 days after the time for acknowledging service of the Writ, unless in the meantime a summons for judgment is served on the Defendant.

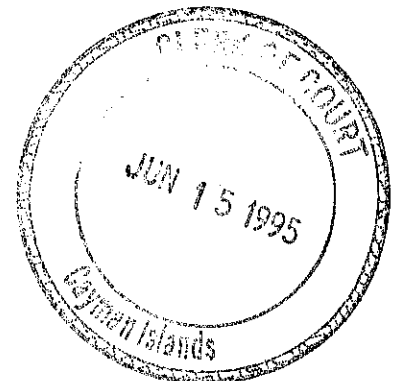
If the Statement of Claim is not indorsed on the Writ, the Defence need not be served until 14 days after a Statement of Claim has been served on the Defendant.

If the Defendant fails to serve his defence within the appropriate time, the Plaintiff may enter judgment against him without further notice.

3. A *Stay of Execution* against the Defendant's goods may be applied for where the Defendant is unable to pay the money for which any judgment is entered. If a Defendant to an action for a debt or liquidated demand (i.e. a fixed sum) who does not intend to contest the proceedings states, in answer to Question 3 in the Acknowledgment of Service, that he intends to apply for a stay, execution will be stayed for 14 days after his Acknowledgment, but he must, within that time, *issue a Summons* for a stay of execution, supported by an affidavit of his means. The affidavit should state any offer which the Defendant desires to make for payment of the money by instalments or otherwise.

See over for notes for guidance

Please complete overleaf



BETWEEN: ROBERT KLOTZ PLAINTIFF
JAN KLOTZ

AND: THE PROPRIETORS OF STRATA PLAN NO 81 et al DEFENDANT

ACKNOWLEDGMENT OF SERVICE
OF WRIT OF 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.

Delay may result in judgment being entered against a Defendant whereby he may have to pay the costs of applying to set it aside.

-
1. State the full name of the Defendant by whom or on whose behalf the service of the Writ is being acknowledged.

 2. State whether the Defendant intends to contest the proceedings (*tick appropriate box*)
 yes no

 3. If the claim against the Defendant is for a debt or liquidated demand, AND he does not intend to contest the proceedings, state if the Defendant intends to apply for a stay of execution against any judgment entered by the Plaintiff (*tick box*)
 yes

Service of the Writ is acknowledged accordingly

(Signed).....

[Attorney] for

[Defendant in person]

Address for service:

Please complete overleaf

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.

C S GILL AND CO
P O BOX 945
4th FLOOR, GENESIS BUILDING
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.

[Empty box for defendant's attorney indorsement]