

**IN THE GRAND COURT OF THE CAYMAN ISLANDS**

CAUSE NO. <sup>673</sup> OF 1999

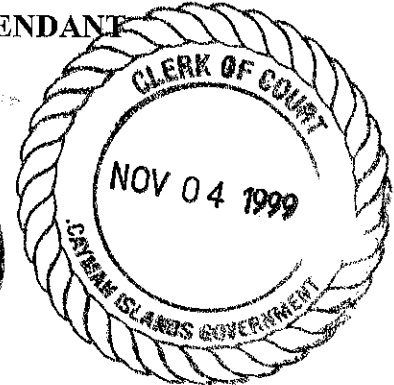
In the matter of Sections 64, 72,75 and 76 of the REGISTERED LAND LAW (1995 Revision)

**BETWEEN:**                      **LOUIS BERRY**                      **PLAINTIFF**

**AND:**                              **SHEILA CONNOR**                      **DEFENDANT**

**ORIGINATING SUMMONS**

TO: SHEILA CONNOR  
P.O. BOX 1128  
GEORGE TOWN  
GRAND CAYMAN



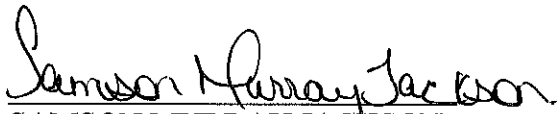
LET THE DEFENDANT, within 14 days after service of the Summons on her, counting the day of service, return the accompanying Acknowledgement of Service to the Courts office, P.O. Box 495G, George Town, Grand Cayman.

By this Summons, which was issued on the application of LOUIS BERRY, GUN SQUARE, BODDEN TOWN, the Plaintiff seeks the determination of the following matters, namely:

1. That he may exercise the power of sale provided in section 72(2)(b) of the Registered Land Law, in order to recover the unpaid principal debt of CI\$3000.00 plus interest.
2. That the power of sale be exercised in the manner provided in section 75 of the said law, namely by public auction.,
3. That the application of the purchase money be governed by the provisions of section 76 of the said law.
4. Further or other relief.
5. An order that the costs of this application be paid by the Defendant.

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

Dated the 3<sup>rd</sup> day of November 1999.

  
SAMSON MURRAY JACKSON  
Attorneys-at-Law for the Plaintiff

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 Acknowledgement of Service are given with the accompanying form.

This Originating Summons was issued by Samson Murray Jackson, Attorneys-at-law for the Plaintiff, whose address for service is that of his said Attorneys-at-Law, Sigma Building, First Floor, at the junction of Smith and Hospital Roads.

**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 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 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 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 individual 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.

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673  
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**BETWEEN:**                      **LOUIS BERRY**                      **PLAINTIFF**

**AND:**                              **SHEILA CONNOR**                      **DEFENDANT**

**ACKNOWLEDGEMENT 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.

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

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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 the Defendant or

The 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 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.*

Samson Murray Jackson  
Attorneys-at-Law and Notary  
Public  
Sigma Building (West Wing)  
P.O. Box 10067 APO  
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.

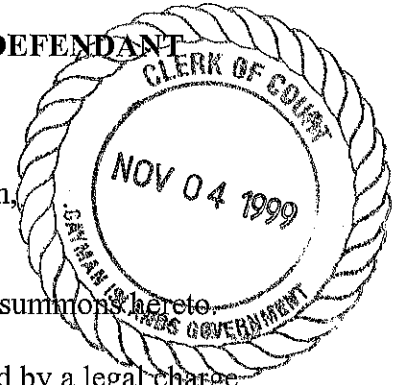
**IN THE GRAND COURT OF THE CAYMAN ISLANDS**

CAUSE NO. <sup>673</sup> OF 1999

**BETWEEN:                      LOUIS BERRY                      PLAINTIFF**

**AND:                              SHEILA CONNOR                      DEFENDANT**

**AFFIDAVIT IN SUPPORT**



I, **LOUIS BERRY**, of George Town, Grand Cayman, being duly sworn, make oath and say as follows:-

1. That I am the Plaintiff herein and I hereby depose in support of the summons hereto.
2. That I lent to the Defendant CI\$3000.00 in 1995, which was secured by a legal charge over a parcel of registered land, namely Bodden Town, Block 43D, Parcel 99.
3. That the said charge was duly executed by the Defendant and myself, and was registered by the Registrar of Lands on the 4<sup>th</sup> January, 1995.
4. By an agreement annexed to the said charge and signed by the parties herein, the Defendant agreed to repay the said loan in full by 30<sup>th</sup> April, 1995.
5. The said charge and agreement are now produced and shown to me and exhibited herein as "LB1".
6. That despite several requests made by and on behalf of the Plaintiff, the Defendant has to date failed to repay the amount owed to the Plaintiff.
7. That I caused a Notice of Default dated the 17<sup>th</sup> October, 1997, as required by Section 72(b) of the Registered Land Law (1995 Revision) to be served on the Defendant, whom I know personally, on or about that same date.
8. The said Notice of Default is produced to me and is exhibited hereto and labelled "LB2".



9. That I now seek to effect the remedy provided by Section 72(2)(b) of the Registered Land Law, namely sale of the charged land by public auction, and I seek the sanction of this Honourable Court in doing so.

SWORN to at George Town, Grand Cayman)

this *2nd* day of *November* 1999

before me:-

)  
) *Louis Berry*  
) \_\_\_\_\_  
) LOUIS BERRY

*Alfredo*

\_\_\_\_\_  
JUSTICE OF THE PEACE/CLERK OF THE COURTS

**IN THE GRAND COURT OF THE CAYMAN ISLANDS**

CAUSE NO.    OF 1999

**BETWEEN:                    LOUIS BERRY                    PLAINTIFF**  
**AND:                         SHEILA CONNOR                 DEFENDANT**

**EXHIBIT "LB1"**

**THIS IS THE EXHIBIT "LB1" REFERRED TO IN THE AFFIDAVIT OF LOUIS BERRY.**

THIRD SCHEDULE  
CAYMAN ISLANDS

INSTRUMENT NO.

48 / 95 SH

The Registered Land Law, 1971

CHARGE

REGISTRATION SECTION

BLOCK

PARCEL

BODDEN TOWN

43

99

I/WE SHEILA CONOR P.O. BOX 11283, GRAND CAYMAN

HEREBY CHARGE my/our interest in the above mentioned title or the charge shown as entry number...  
in the incumbrances section of the register relating to the above-mentioned  
title to secure the payment

to LOUIS BERRY

of GUN SQUARE, BODDEN TOWN

of the principal sum of THREE THOUSAND CAYMAN DOLLARS

with interest at the rate of 12%

per centum per annum

payable on the 30th of April, 1995

Subject to section 67 of the above law,

as hereby negatived, modified or added to. (Here set forth any variation, or make reference to an attached document.)

The principal sum shall be repaid on the 30th day of April, 1995 together with any interest then due.

And I/WE the above named Chargor (s) hereby acknowledge that we understand the effect of section 72 of the Registered Land Law, 1971.

dated this 19th day of April 1995

Signed by the Chargor *Sheila Connor*

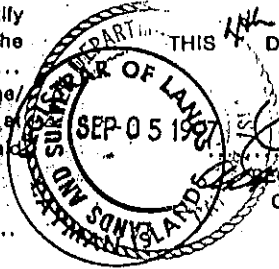
in the presence of: *Abdullah* CLERK OF COURTS

Signed by the Chargee *Louis Berry*

in the presence of: *Abdullah* CLERK OF COURTS

FOR OFFICIAL USE ONLY

Registrar of Lands in the Cayman Islands hereby certify that this document was received by me for registration on the 19th day of January 1995... and that stamp duty assessed/adjudicated by me/Treasury at C\$ 30.00 and Land Registry fees at C\$ 10.00 relating thereto have been paid



REGISTERED THIS 4th DAY OF Jan 1995

REGISTRAR OF LANDS CAYMAN ISLANDS

*Smiley*  
REGISTRAR OF LANDS

CERTIFICATE OF IDENTIFICATION

Name Sheila Courser

I HEREBY CERTIFY that the above named Jessie appeared before me on the 30<sup>th</sup> day of December 1974 and being identified by me (or being known to me) acknowledged the above signature or mark to be his/theirs and that she/they had freely and voluntarily executed this instrument and understood its contents.

[Signature]  
Signature and designation of the person certifying  
CLERK OF COURTS

CERTIFICATE OF IDENTIFICATION

Name 96 Louis Lewis Berkeley

I HEREBY CERTIFY that the above named Jessie appeared before me on the 3rd day of January 1975 and being identified by me (or being known to me) acknowledged the above signature or mark to be his/theirs and that he/they had freely and voluntarily executed this instrument and understood its contents.

[Signature]  
Signature and designation of the person certifying  
CLERK OF COURTS

CERTIFICATE OF IDENTIFICATION

Name .....

I HEREBY CERTIFY that the above named ..... appeared before me on the ..... day of ..... 19..... and being identified by ..... (or being known to me) acknowledged the above signature or mark to be his/theirs and that he/they had freely and voluntarily executed this instrument and understood its contents.

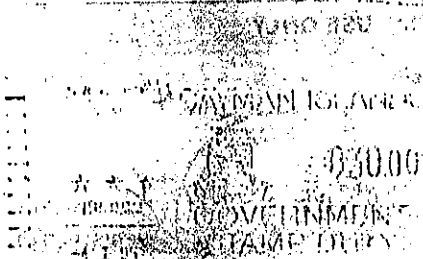
Signature and designation of the person certifying

CERTIFICATE OF IDENTIFICATION

Name .....

..... 19..... and  
..... (or being known to me)  
his/theirs and that he/they had  
understood its contents.

Signature and designation of the person certifying



CHARGE AGREEMENT

BETWEEN:

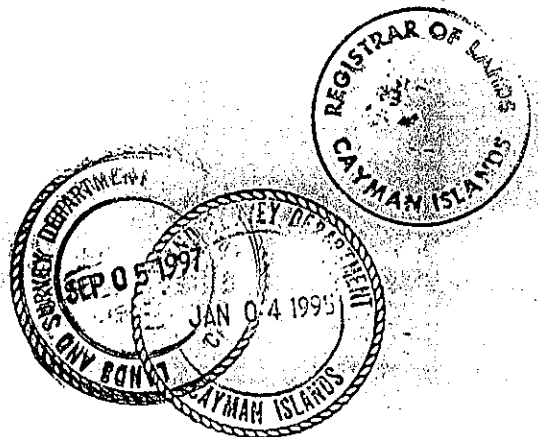
LOUIS BERRY  
of Bodden Town  
Grand Cayman  
hereinafter called the  
Chargee OF THE FIRST  
PART.

AND:

SHEILA CONNOR  
OF P.O. Box 1128 G  
Grand Cayman  
hereinafter called the  
Chargor OF THE OTHER  
PART.

WHEREAS the aforementioned Chargor is the registered owner of  
Registration Section Bodden town, Block 430 Parcel 99 and is desirous of  
charging the same THIS AGREEMENT NOW WITNESSETH AS FOLLOWS:-

- (1) The Chargor hereby charge the aforementioned property to  
the Chargee to secure the sum of \$3,000.00.
- (2) The Chargor agrees to repay the aforementioned sum in full  
by the 30th of April, 1995.
- (3) The Chargor agrees to pay the Chargee interest at the rate  
of 12% on the 30th April, 1995.



(4) If any of the aforementioned principal and interest remains outstanding on the 30th April, 1995 the Chargee will have all the right and privileges afforded to a Chargee under the registered land law.

IN WITNESS WHEREOF THE PARTIES HERETO HAVE SET THEIR SIGNATURES THIS  
DAY OF DECEMBER, 1995.

Sheela Connor  
CHARGOR

Louis Deng  
CHARGE

[Signature]  
WITNESS

[Signature]  
WITNESS  
CLERK OF COURTS



Donnor

9-45 AM 18/10/97

NOTICE OF DEFAULT

Charge under Section 64(2) of the Registered Land Law, Bodden Town, Block 43D, Parcel 99

I refer to the provisions of the above mentioned Charge pursuant to which the Borrower undertook to repay Louis Berry of Gun Square, Bodden Town, Grand Cayman, the principal sum advanced, together with interest due, subject to the provisions therein contained and in accordance with the terms of the said facilities of a loan afforded to you.

I, Lewis Berry, hereby demand forthwith upon receipt of this notice repayment of the money secured by the above mentioned charge in the amount of CI\$3,976.80 being principal and interest which at the 7th of October, 1997 are as follows.

- (1) Principal CI\$3,000.00
- (2) Interest & other charges \$876.80

Please note that :-

Interest will continue to accrue in accordance with the provisions of the above mentioned charge such accrual amounting to the equivalent of CI\$0.98 per day to the date of complete repayment.

Further:-

I draw your attention to Sections 64 of the Registered Land Law which requires you to make payment of the balance of principal and interest within 3 months of the date of receipt of this notice, failing which, I, Louis Berry, will proceed to take steps as he may deem advisable to recover the indebtedness.

Kindly acknowledge receipt of this notice by signing and dating the attached copy of this notice

Dated this 17<sup>th</sup> day of October, 1997.

Louis Berry  
Louis Berry

This Notice was extracted by Collins Broadhurst & Furniss, Attorneys-at-Law, whose address for service is Elizabethan Square, P.O. Box 2503, G.T. Grand Cayman, Cayman Islands, B.W.I.

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**BETWEEN:                    LOUIS BERRY                    PLAINTIFF**  
**AND:                         SHEILA CONNOR                DEFENDANT**

**EXHIBIT "LB2"**

**THIS IS THE EXHIBIT "LB2" REFERRED TO IN THE AFFIDAVIT OF LOUIS BERRY.**