

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 729 OF 1999

IN THE MATTER OF THE ESTATE OF NADA ELVINA BODDEN

AND IN THE MATTER OF GRAND COURT RULES ORDER 85 RULE 2

BETWEEN



KELVIN BURNES TIBBETTS
AS ADMINISTRATOR OF THE ESTATE OF
NADA ELVINA BODDEN DECEASED

PLAINTIFF

AND

LETA RYAN TIBBETTS
AS EXECUTRIX OF THE ESTATE OF
LEVIN BENSON TIBBETTS DECEASED

AND

MERLIN ELLISON SCOTT
AS ADMINISTRATOR OF THE ESTATE OF
ELLEN CHATRIS TIBBETTS SCOTT

AND

DONALD WAYNE TIBBETTS
AS THE ADMINISTRATOR OF THE ESTATE OF
KELVIN HARVEY TIBBETTS DECEASED

AND

CAROLYN TIBBETTS HAMBY AND
MYRA CLAIRE TIBBETTS
AS THE EXECUTRIXES OF THE ESTATE OF
JASON ALVA TIBBETTS SNR DECEASED

AND

THE ESTATE OF CARMEN LOUISE LELEUX DECEASED DEFENDANTS



ORIGINATING SUMMONS

TO: Leta Ryan Tibbetts of and whose address for service is at PO Box 45, Stake Bay, Cayman
Brac, British West Indies.

Merlin Ellison Scott of and whose address for service is at Dogwood Trails Manor, 76 Highway, 190W Woodville, Texas 75979

Donald Wayne Tibbetts of and whose address for service is at Silver Maple Drive, Tallahassee, FL 32308

Carolyn Tibbetts Hamby of and whose address for service is at 3174 Gardendale, Port Neches, Texas 77651

Myra Claire Tibbetts of and whose address for service is at 685 West Kitchen Drive, Port Neches, Texas 77651

LET THE DEFENDANTS Leta Ryan Tibbetts, within 14 days after service of this Summons on her, counting the day of service, return the accompanying Acknowledgement of Service to the Courts Office, PO Box 495 GT, George Town, Grand Cayman and let Merlin Ellison Scott, Donald Wayne Tibbetts Carolyn Tibbetts Hamby and Myra Claire Tibbetts, within 28 days after service of this Summons on them, counting the day of service, return the accompanying Acknowledgement of Service to the Courts Office, PO Box 495 GT, George Town, Grand Cayman

BY THIS SUMMONS which is issued on the application of the Plaintiff, Kelvin Burness Tibbetts of 2109 Island Lake Circle, Panama City, FL 32405 the Plaintiff seeks the following relief pursuant to Order 85 Rule 2 (3) (c) of the Grand Court Rules namely:-

1. For directions whether the Plaintiff as administrator of the Estate of Nada Elvina Bodden, otherwise known as Nada Elvena Bodden or Nada Tibbetts Bodden, should or should not defend an action which has been commenced against him in his representative capacity in the Grand Court of the Cayman Islands with the short title and reference to the record of Cause No. 293 of 1999, Leta Ryan Tibbetts as the Executrix of the Estate of Levin Benson Tibbetts deceased v Kelvin B Tibbetts as the Administrator of the Estate of Nada Elvena Bodden deceased.
2. The proceedings brought in Cause No. 293 of 1999 concern the subject matter of the Estate of Nada Elvina Bodden and claims against it the payment of the principal sum of CI\$44,279.98 being, it is alleged, the sum necessary to reimburse Leta Ryan Tibbetts and the Estate of Levin Benson Tibbetts for the assistance Leta Ryan Tibbetts and Levin Benson Tibbetts provided Nada Elvina Bodden before her death.
3. The Plaintiff also seeks directions as to whether he, as administrator of the Estate of Nada Elvina Bodden, should or should not institute and prosecute an action against Leta Ryan Tibbetts and Leta Ryan Tibbetts as the Executrix of the Estate of Levin Benson Tibbetts deceased.
4. The proceedings the Plaintiff seeks to institute and prosecute concern the appropriation of real property by Leta Ryan Tibbetts and/or Levin Benson Tibbetts which should otherwise form part of the Estate of Nada Elvina Bodden. The Plaintiff will seek an order or declaration to the effect that the property within the Estate of Carmen Louise Leleux deceased should have passed to Nada Elvina Bodden and Levin Benson Tibbetts on the death of Carmen Louise Leleux and then should have passed to Nada Elvina Bodden solely on the death of Levin Benson Tibbetts.

5. The Plaintiff will request that all necessary and further or consequential directions may be given.
6. The Plaintiff will request that provision be made for the cost of this application.
7. And the Plaintiff will request that he be granted further or other relief.

If the Defendants do not acknowledge service, such judgement may be given or order made against or in relation to them as the Court may think just and expedient.

Dated the 24th day of November 1999



RITCH & CONOLLY

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 Court.

IMPORTANT

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

This Originating Summons was filed by Messrs Ritch & Conolly, Attorneys-at-Law for the Plaintiff and whose address for service is PO Box 1994 GT, Queensgate House, 113 South Church Street, Grand Cayman, BWI

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AND IN THE MATTER OF GRAND COURT RULES ORDER 85
RULE 2

BETWEEN

KELVIN BURNES TIBBETTS
AS ADMINISTRATOR OF THE ESTATE PLAINTIFF
OF NADA ELVINA BODDEN DECEASED

AND

LETA RYAN TIBBETTS
AS EXECUTRIX OF THE ESTATE DEFENDANT
OF LEVIN BENSON TIBBETTS DECEASED

ORIGINATING SUMMONS

RHI/MGC/TIBBETTS