

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 762 OF 2000

BETWEEN: (1) CESARE BONOTTO

FIRST PLAINTIFF

(2) FIN IVONNE BONOTTO

SECOND PLAINTIFF

(3) ELENA BONOTTO

THIRD PLAINTIFF

(4) ELBO LTD.

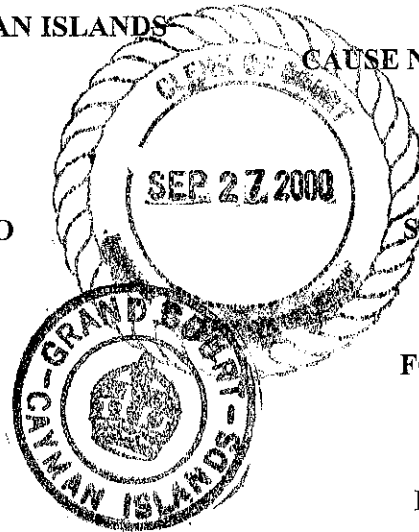
FOURTH PLAINTIFF

AND: (1) GIANNI BOCCALETTI

FIRST DEFENDANT

(2) HELGA BOCCALETTI

SECOND DEFENDANT



TO Gianni and Helga Boccaletti of c/o Ritch & Conolly, Queensgate House, South Church Street, George Town, Grand Cayman, Cayman Islands.

ORIGINATING SUMMONS

LET THE DEFENDANTS within 14 days after service of this summons upon them, counting the date of service, return the accompanying acknowledgement of service to the Courts Office, George Town, Grand Cayman.

By this summons which is issued on the application of the Plaintiffs c/o their attorneys Walkers, PO Box 265GT, Walker House, Mary Street, George Town, Grand Cayman, the Plaintiffs claim against the Defendants:

AND that the property specified in the schedule hereto, being property subject to a charging order absolute dated the 11th day of July 2000 and made in an action in the Grand Court of the Cayman Islands, between Cesare Bonotto et al v. Gianni Boccaletti et al bearing Cause No. 252 of 1996 may be sold under the direction of the court and the proceeds of such sale be applied to the outstanding judgment plus interests and costs in this action subject to further order.

Schedule

Apartment number 16 Laguna Del Mar West Bay Road Grand Cayman registered in Registration Section West Bay Beach South, Block 12E, Parcel 77H15 registered to Gianni Boccaletti as to one half share and Helga Boccaletti as to one half share.

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

DATED the 26th day of September 2000.



WALKERS

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 the above 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 Walkers, Attorneys-at-Law for the Plaintiffs herein, whose address for service is that of their said Attorneys-at-Law, Walker House, P.O. Box 265, George Town, Grand Cayman, Cayman Islands.

BETWEEN: (1) **CESARE BONOTTO** **FIRST PLAINTIFF**
(2) **FIN IVONNE BONOTTO** **SECOND PLAINTIFF**
(3) **ELENA BONOTTO** **THIRD PLAINTIFF**
(4) **ELBO LTD.** **FOURTH PLAINTIFF**

AND: (1) **GIANNI BOCCALETTI** **FIRST DEFENDANT**
(2) **HELGA BOCCALETTI** **SECOND DEFENDANT**

**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.

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 Defendants by whom or on whose behalf the service of the Writ of Summons is being acknowledged.

2. State whether the Defendant intends to contest the proceedings (*tick where appropriate*)

yes no

3. If the claim against the Defendant is for a debt or liquidated demand, AND he does not intend to contest the proceeding, 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 Originating Summons 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 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.

Indorsement by plaintiff's Attorney (or by plaintiff if suing in person) of his name, address and reference, if any, in the box below.

WALKERS
P.O. Box 265
Walker House
Mary Street
Grand Cayman

Ref: DMM/B421-12021

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]

**DIRECTION FOR ACKNOWLEDGMENT OF SERVICE OF
ORIGINATING 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

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 Court's 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 Court's office.