

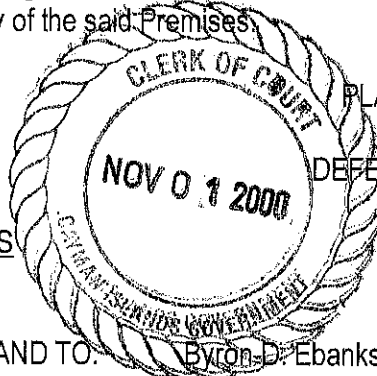
IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. *824* OF 2000

In the matter of an Application by Cayman National Bank Ltd. as Chargee with the Power of Sale over certain Charged Premises for an Order directing the sale by Private Treaty of the said Premises.

BETWEEN: CAYMAN NATIONAL BANK LTD. PLAINTIFF

AND: BYRON D. EBANKS DEFENDANT



ORIGINATING SUMMONS

TO: The Clerk of the Court  
Courts Office,  
George Town, Grand Cayman


AND TO: Byron D. Ebanks  
Bodden Town,  
Grand Cayman

LET THE DEFENDANT, attend before the Judge in Chambers at the Law Courts, George Town, Grand Cayman on the *14<sup>th</sup>* day of *Dec.* 2000 at *9:30* o'clock on the hearing of an application by the Plaintiff for the following orders:

1. That this Honourable Court do sanction and permit the sale by Private Treaty by the Plaintiff of all that property registered in the Cayman Islands Land Registry with absolute title and being particularly known as Parcel 94 of Block 56B in the Breakers Registration Section of Grand Cayman ("the property") as Chargee with a power of sale over the property.
2. That the reserve price for the property be CI\$190,000.00.
3. That the Plaintiff be awarded the costs of this application.

AND LET THE DEFENDANT within fourteen days after service of this summons on him, counting the day of service, return the accompanying Acknowledgment of Service to the Courts Office.

Dated the *29<sup>th</sup>* day of *October* 2000.

  
O. L. PANTON & COMPANY  
Attorneys-at-Law for the Plaintiff herein

TIME ESTIMATE: The estimated length of the hearing of this summons is fifteen minutes.

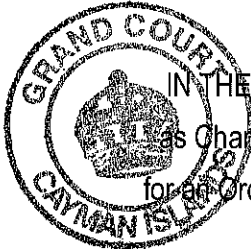
**IMPORTANT**

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

This Originating Summons was issued by O. L. Panton & Company, Attorneys-at-Law, Pansons Building, Crewe Road, P.O. Box 876, George Town, Grand Cayman, for and on behalf of the Plaintiff herein whose address for service is that of its said Attorneys-at-Law.

IN THE MATTER of the Registered Land Law

- AND -



IN THE MATTER of an Application by Cayman National Bank Ltd.  
as Chargee with the Power of Sale over certain Charged Premises  
for an Order directing the sale by Private Treaty of the said Premises.



AFFIDAVIT

I, ANTHONY DWIGHT PANTON, of P.O. Box 876, George Town, Grand Cayman, make oath and say as follows:

1. That I am an Attorney-at-Law in the firm of O.L. Panton & Company, Pansons Building, Crewe Road, P.O. Box 876, George Town, Grand Cayman, Attorneys-at-Law for Cayman National Bank Ltd. (hereinafter referred to as "the Applicant"). I make this Affidavit in support of an Application by the Applicant for an Order that this Honourable Court doth sanction the variation and/or addition to a Charge by permitting a sale by private treaty by the Applicant of ALL THAT property comprised in the title to the Breakers Registration Section, Block 56B Parcel 94 ("the Property") by the Applicant as Chargee with a Power of Sale.
2. That BYRON D. EBANKS is the registered proprietor of the Property which was registered in his name on or about the 2nd day of October, 1991. There is now produced and shown to me marked "ADP 1" a copy of the Land Register in respect of the parcel dated the 1st day of February, 2000 relating to the Property.
3. That by a letter dated the 6 December, 1993 issued by the Applicant, Mr. Ebanks was informed that the Property was to be sold unless the amount outstanding, US\$416,232.10, was paid to the Applicant within three months of the date of service of the said letter. There is now produced and shown to me a copy of the letter dated 6<sup>th</sup> day of December, 1993 to Mr. Ebanks marked "ADP 2". (Section 64 Notice).

4. That by a letter dated the 21<sup>st</sup> March, 1994, issued by the Applicant, Mr. Ebanks was informed that the Property was to be sold unless the amount outstanding, US\$431,329.64, was paid to the Applicant within three months of the date of service of the said letter. There is now produced and shown to me a copy of the letter dated 21<sup>st</sup> March, 1994 to Mr. Ebanks marked "ADP 3". (Section 72 Notice).
5. That I have obtained valuations of the Property from two Chartered Quantity Surveyors, namely, BCQS and Deloitte & touche Property Management Ltd. There is now produced and shown to me copies of the aforesaid valuations marked "ADP 4" and "ADP 5" respectively.
6. That I make this Affidavit in support of the Applicant's Summons for a Declaration that this Honourable Court doth sanction the variation and/or addition to a Charge permitting a sale by private treaty of the Property by the Applicant as Chargee with a power of sale with a reserve price of CI\$190,000.00 and for such further and other directions as this Honourable Court doth deem fit and just.
7. Save where otherwise appearing, I depose to the foregoing from facts within my own knowledge.

Dated this 29<sup>th</sup> day of October 2000.

  
ANTHONY DWIGHT PANTON

SWORN to at George Town, Grand Cayman )  
this 29<sup>th</sup> day of October 2000 )  
before me: )

  
\_\_\_\_\_  
JUSTICE OF THE PEACE/NOTARY PUBLIC

Filed by O.L. Panton & Company, Attorneys-at-Law, Pansons Building, Crewe Road, P.O. Box 876, George Town, Grand Cayman, for and on behalf of the Applicant herein, whose address for service is that of it's said Attorneys-at-Law.

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. For the purpose of calculating the period of 14 days for acknowledging service, an originating summons 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 BYRON D. EBANKS."
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 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.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 2000

BETWEEN: CAYMAN NATIONAL BANK LTD. PLAINTIFF  
AND: BYRON D. EBANKS 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.

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 the proceedings.  
 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, on the lines below.*

A. Dwight Panton  
O.L. Panton & Company  
Pansons Building  
Crewe Road  
P.O. Box 875/876  
George Town  
Grand Cayman

*Indorsement by defendant's Attorney (or by defendant if suing in person) of his name, address and reference, if any, on the lines below.*

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