

IN THE GRAND COURT OF THE CAYMAN ISLANDS

IN THE MATTER OF THE ESTATE NADA ELVENA BODDEN

BETWEEN

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

PLAINTIFF

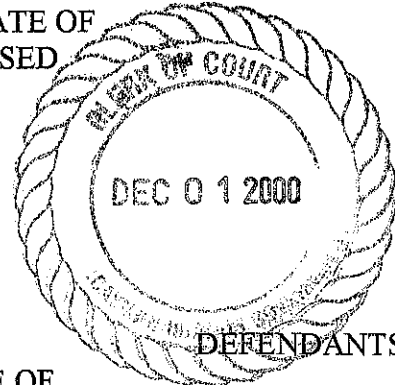
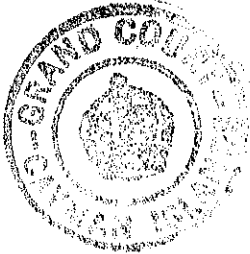
AND

LETA RYAN TIBBETTS

AND

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

DEFENDANTS



ORIGINATING SUMMONS

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

LET THE DEFENDANT, 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.

BY THIS SUMMONS which is issued on the application of the Plaintiff, Kelvin Burnes Tibbetts of 2109 Island Lake Circle, Panama City, Florida, 32405, the Plaintiff seeks the determination of the Court in connection with the following:-

1. By her will dated 22 April 1974, Carmen Louise Tibbetts Leleux, otherwise known as Carmen L Tibbetts Leleux or Carmen Leleux ("Carmen Leleux") appointed Levin Benson Tibbetts as her Executor and gave, devised and bequeathed all her property, "share and share alike", to the said Levin Benson Tibbetts and Nada Tibbetts Bodden.
2. It is averred that in the circumstances the property of the said Carmen Leleux was bequeathed to the said Levin Benson Tibbetts and the said Nada Tibbetts as joint tenants.

3. On 13 June 1977 Carmen Leleux died and on 19 July 1977 the Probate Court of Galveston County, Texas admitted to Probate the will of Carmen Leleux and ordered that the said Levin Benson Tibbetts be appointed Executor of that will and of the estate of Carmen Leleux and Letters Testamentary were granted to him.
4. At the time of her death Carmen Leleux held interests in real property as follows:
 - 4.1 The sole legal and beneficial entitlement to Cayman Brac West, Block 95B, Parcel 103
 - 4.2 A one sixth share in Cayman Brac West, Block 95B, Parcel 107
 - 4.3 A one sixth share in Little Cayman East, Block 91A, Parcel 9
 - 4.4 A one sixth share in Little Cayman East, Block 91A, Parcel 10
 - 4.5 A one sixth share in Little Cayman East, Block 92A, Parcel 19
5. Once appointed as her Executor, Levin Benson Tibbetts transferred the above mentioned interests of Carmen Leleux into his name in his capacity as the Executor of the estate of Carmen Leleux.
6. It appears from the Land Register of the above mentioned parcels that such transfers were registered at the Lands & Survey Department in or about February 1991, save for the dealing with Cayman Brac West, Block 95B, Parcel 107 which appears to have been registered in or about February 1996, although this must be a typographical error.
7. In any event, the said Levin Benson Tibbetts did not subsequently transfer the shares he held as Executor of the estate of Carmen Leleux into his name and the name of Nada Tibbetts Bodden in accordance with the terms of the will of Carmen Leleux.
8. By his will dated 1 November 1975 Levin Benson Tibbetts appointed his wife and the Defendant in this matter, Leta Ryan Tibbetts, as his Executrix and gave, devised and bequeathed all his property to the Defendant.
9. On 28 July 1995 Levin Benson Tibbetts died and the Defendant was appointed his Executrix. It is apparent that the Defendant subsequently caused to be registered in her name, in her personal capacity, both the shares in the above mentioned parcels which were registered in the name of Levin Benson Tibbetts in his personal capacity and the shares in the above mentioned parcels which were registered in the name Levin Benson Tibbetts in his capacity as the Executor in the estate of Carmen Leleux.
10. On 16 January 1996 the said Nada Elvina Bodden, otherwise known as Nada Tibbets Bodden or Nada Elvena Bodden died and on 12 April 1999 the Plaintiff, Kelvin Burness Tibbetts, was granted Letters of Administration in her estate and appointed her Personal Representative by the Grand Court of the Cayman Islands in Cause No. 103 of 1996.

11. In his capacity as the Personal Representative of the said Nada Tibbetts Bodden, the Plaintiff seeks a declaration from the Court as to the rightful ownership of the interests in the above mentioned parcels of land which had belonged to Carmen Leleux and which were subsequently transferred into the name of Levin Benson Tibbetts in his capacity as the Executor of the estate of Carmen Leleux and which are now registered in the name of the Defendant.
12. The Plaintiff also seeks an order of the Court, in the appropriate terms, that the aforementioned interests in the above mentioned parcels of land be transferred in accordance with the Court's determination as to the rightful owner of those parcels of land.
13. The Plaintiff also seeks an order for costs.

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

Dated the 30th day of November 2000

Ritch & Conolly.

Messrs. Ritch & Conolly
Attorneys at Law for the Plaintiff

NOTE – This Summons may not be served later than 4 calendar 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 Messrs Ritch & Conolly as Attorneys at Law for the Plaintiff and which such Attorneys have as their address PO Box 1994 GT, Queensgate House, 113 South Church Street, Grand Cayman, B.W.I.