

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: *701* OF 2001

IN THE MATTER OF THE REGISTERED LAND LAW (1995 REVISION)

B E T W E E N:

SCOTIABANK (CAYMAN ISLANDS) LTD.

Plaintiff

AND

EDITH M. EBANKS

Defendant

ORIGINATING SUMMONS

To: The Clerk of the Court

And To: Edith M. Ebanks  
1353 Summit Pines Blvd.  
Apt 5215  
West Palm Beach, Florida  
United States, 33415

LET THE DEFENDANT of 1335 Summit Pines Blvd., Apt. #5215, West Palm Beach, Florida, 33415, USA, attend before the Judge in Chambers, at the Law Courts, George Town, Grand Cayman on the *30* day of *Jan* 2002 at *9<sup>30</sup>* o'clock in the hearing of an application by the Plaintiff of P.O. Box 689 GT, Grand Cayman, Cayman Islands that:

1. The Plaintiff, Scotiabank (Cayman Islands) Ltd., Cardinal Avenue, P.O. Box 689 GT, George Town, Grand Cayman, as the Chargee under the legal charge registered against property described as West Bay North West Block 1D, Parcel 225 REM 3 (the "subject property"), be granted the following relief pursuant to section 77 of the Registered Land Law (1995 Revision), namely:
  - a. A declaration that the Defendant is in default of payment of the principal sum payable under charge registered 11 December 1998, agreed upon between the Defendants and the Plaintiff, to repay Plaintiff the principal

sum of CI\$20,000, with interest at the rate of 14% per annum payable in accordance with the schedule thereto.

- b. An order granting possession of the subject property;
- c. An order granting access to the Plaintiff for valuation, viewing and other relief as entitled pursuant to the charge;
- d. An order granting leave to sell the subject property by private treaty at a gross reserve price of CI\$48,000 or as otherwise determined by the Court;
- e. Leave to apply further to the Court as may be required;

AND LET THE DEFENDANT within 28 days after service of this summons on her counting the day of service, return the accompanying Acknowledgment of Service Form to the Court Office.

Dated the November 2001

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Hunter & Hunter  
Attorneys at Law for the Plaintiff

- NOTES:
- (1) 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.
  - (2) If a defendant does not attend personally or by his attorney at the time and place above mentioned such order will be made as the Court may think just and expedient.

### IMPORTANT

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

This Originating Summons was filed by Hunter & Hunter Attorneys-at-Law for the Plaintiff whose address for service is 75 Fort Street, P.O. Box 190 GT, George Town, Grand Cayman (Ref: WAS/00187.072)

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SCOTIABANK (CAYMAN ISLANDS) LTD.

Plaintiff

AND

EDITH 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. **William F. Polk**

2. State whether the Defendant intends to contest or otherwise participate in the proceedings (*tick appropriate box*)

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, in the box below.*

Hunter & Hunter  
75 Fort Street  
The Huntlaw Building  
P.O. Box 190 GT  
Grand Cayman  
Cayman Islands

Ref: NVCJ07206.001.

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

## DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE OF ORIGINATING SUMMONS

The accompanying form of *Acknowledgement 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 Court's Office.
2. If you wish to defend claims made in the originating summons, or intend to attend the proceedings and to participate in them so far as necessary (although not necessarily in an adversarial manner) you should tick the "Yes" box in paragraph 2 of the acknowledgment of service.
3. 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.
4. 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*)".
5. 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.
6. 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.
7. 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.
8. Where the Defendant is a **MINOR** or a **MENTAL PATIENT**, the form must be completed by an Attorney acting for a guardian *ad litem*.
9. A Defendant acting in person may obtain help in completing the form at the Courts Office.