

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 267 OF 2002 ✓

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

AND IN THE MATTER OF WEST BAY SOUTH BLOCK 5B PARCEL 207

BETWEEN: JOHN BURKE

AND: GRACE ALICIA HYDES

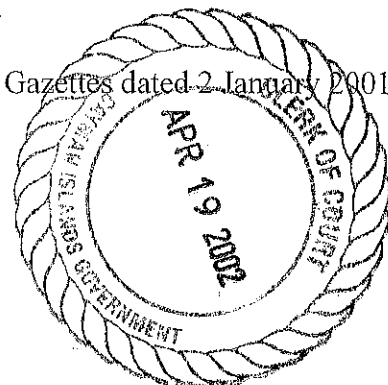
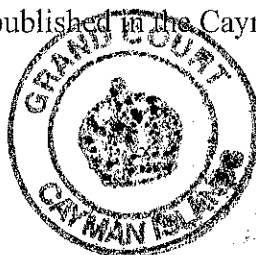
ORIGINATING SUMMONS

**TO:** Grace Alicia Hydes whose address for service is Farrington Lane, West Bay, Grand Cayman.

**LET THE DEFENDANT**, Grace Alicia Hydes, within 14 days after service of this Summons on them, counting the day of service, return the accompanying acknowledgment of service to the Court office, P. O. Box 495 GT, George Town, Grand Cayman.

**BY THIS SUMMONS** which is issued on application of the Plaintiff, John Burke the Plaintiff seeks relief pursuant to the Registered Land Law (1995 Revision).

- 1) On 10th February 1999 the Plaintiff as Transferee and the Defendant as Chargor executed a Transfer of Charge over land and building registered at West Bay South Block 5B Parcel 207 to the Plaintiff.
- 2) On 10th February 1999 the Defendant executed a Variation of Charge whereby the principal sum of the loan by the Plaintiff was increased by CI\$ 25,331.12 to 67,331.12.
- 3) The Defendant has failed to pay any payments due in respect of the principal sum and interest.
- 4) By a Registered Post letter dated 29 November 2000 posted on 1 December 2000, the Plaintiff, the Plaintiff served notice on the Defendant pursuant to the Registered Land Law (1995 Revision) demanding payment of the balance of the principal sum and accrued interest which, as at that date, amounted to principal of CI\$ 67,331.12 and interest of CI\$ 11,782.95 for a total of CI\$ 79,114.07.
- 5) The said demand was published in the Cayman Islands Gazette dated 2 January 2001 and 29 January 2001.



- 6) On 12 March 2001 a further demand dated and sent by Registered Post on 1 March 2001 was published in the Cayman Islands Gazette No. 6 / 2001 on 12 March 2001.
- 7) Despite service and publication of such notices, the Defendant has failed to pay the balance due of the principal sum and accrued interest.
- 8) The Property consists of a parcel of land and dwelling house.
- 9) The Plaintiff therefore seeks an Order that:
  - i) the Plaintiff be entitled to sell the property by either private treaty or public auction for any sum in excess of CI\$ 55,000.
  - ii) for the purposes of any such sale, the Plaintiff be entitled to possession of the property within 30 days.
  - iii) after the sale of the said property in accordance with the order sought herein, should there be any shortfall in the amount due and owing to the Plaintiff that the Plaintiff be at liberty to enter judgment against the Defendant for the said shortfall, together with interest and costs;
  - iv) the costs of these proceedings be added to the principal and interest due from the Defendant and be deducted from the proceeds of sale.

Dated the 19<sup>th</sup> day of April 2002.

Polack & Co.  
Polack & Co. on  
behalf of the Plaintiff

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

**NOTE:** This Summons may not be served later than 4 calendar months (*or leave is required to effect Notice out of the jurisdiction, 6 months*) beginning with that date, unless renewed by Order of the Court.

**IMPORTANT:** Directions for acknowledgment of service are given with the accompanying forms.

This Originating Summons was issued by Polack & Co., Attorneys-At-Law for the Plaintiff, whose address for service is P.O. Box 10906 APO, No. 4 Windward Centre, 93 Smith Road, George Town, Grand Cayman, Cayman Islands, BWI.

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**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.**

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1. State the full name of the Defendant by whom or on whose behalf the service of the Originating Summons is being acknowledged.

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2. State whether the Defendant intends to contest or otherwise participate in the proceedings (tick appropriate box)  
\_\_\_\_\_ Yes \_\_\_\_\_ No

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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 or principal office.

**Please complete overleaf**

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

Messrs. Polack & Co.  
No. 4 Windward Centre,  
93 Smith Road  
George Town  
Grand Cayman

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