

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. ³³⁹ OF 2002

In the matter of Citiventure Private Participations II Limited.

And in the matter of the Companies Law (2002 Second Revision)

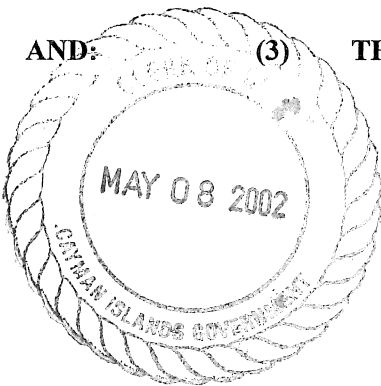
BETWEEN: (1) SIMON WHICKER PLAINTIFFS

(2) THEODORE BULLMORE

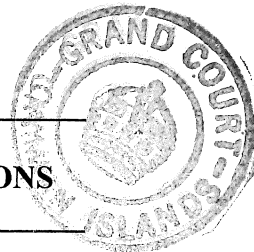
AND: (1) THE REGISTRAR OF COMPANIES

AND: (2) THE FINANCIAL SECRETARY OF THE CAYMAN ISLANDS

AND: (3) THE ATTORNEY GENERAL DEFENDANTS



ORIGINATING SUMMONS



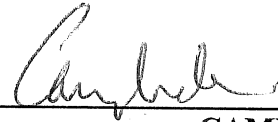
LET THE PARTIES attend before the Judge in Chambers at the Law Courts, George Town, Grand Cayman on the *H* day of *July*, 2002 at 9.30 am for the hearing of an application by the Plaintiffs for:

1. A declaration that the deemed dissolution of Citiventure Private Participations II Limited on 5th January 2000 is void.
2. An order that the Plaintiffs be re-appointed as the Liquidators of Citiventure Private Participations II Limited.
3. Alternatively, a declaration that the Plaintiffs continue to be the Liquidators of Citiventure Private Participations II Limited by virtue of their appointment on 23rd April 1999.
4. An order that Citiventure Private Participations II Limited. be restored forthwith to the Companies Register.

5. Further or other relief.
6. Provision for costs.

AND LET THE DEFENDANTS within 14 days after service of this summons on them counting the day of service, return the accompanying Acknowledgment of Service to the Courts Office.

Dated this ^{8th} day of May 2002



CAMPBELLS
Attorneys at Law for the Plaintiffs

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 Acknowledgment of Service are given with the accompanying form.

THIS ORIGINATING SUMMONS is filed by Campbells, Attorneys at Law for the Plaintiffs herein, whose address for service is 4th Floor, Scotiabank Building, George Town, Grand Cayman (Ref: 09952/AJW/clq)

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CAUSE NO. ³³⁹ OF 2002

In the matter of Citiventure Private Participations II Limited.

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BETWEEN: (1) **SIMON WHICKER** **PLAINTIFFS**
(2) **THEODORE BULLMORE**
AND: (1) **THE REGISTRAR OF COMPANIES**
AND: (2) **THE FINANCIAL SECRETARY OF THE CAYMAN ISLANDS** **DEFENDANTS**
AND: (3) **THE ATTORNEY GENERAL**

**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 (tick appropriate box)
 Yes No
-

Service of the Originating Summons is acknowledged accordingly

(Signed).....

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 his should be sent. In the case of a limited company, "residence" means its registered principal office.

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

**CAMPBELLS
Attorneys at Law
4th Floor, Scotiabank Building
George Town
Grand Cayman**

**Tel: 949 2648
Fax: 949 8613**

(AJW/clq)

Indorsed 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 signature and address]

DIRECTIONS 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 495, 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 installments or otherwise.

See over for notes for guidance

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, 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 his 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 Courts Office.