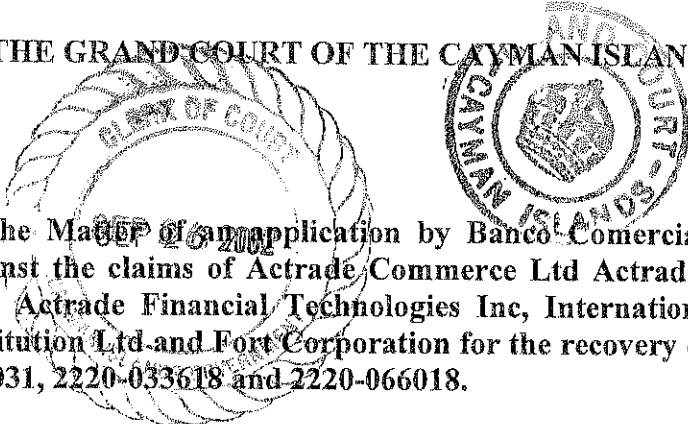


IN THE GRAND COURT OF THE CAYMAN ISLANDS

711 ✓
CAUSE NO. OF 2002



In the Matter of an application by Banco Comercial Portugues S.A. for interpleader relief against the claims of Actrade Commerce Ltd Actrade Resources Inc, Actrade South America Ltd, Actrade Financial Technologies Inc, International Clearing Corp, Commercial Finance Institution Ltd and Fort Corporation for the recovery of money held in accounts reference 2220-090031, 2220-033618 and 2220-066018.

Between:

Banco Comercial Portugues S.A.

Applicant

And:

- (1) Actrade Commerce Ltd
- (2) Actrade Resources Inc
- (3) Actrade South America Ltd
- (4) Actrade Financial Technologies Inc
- (5) International Clearing Corp
- (6) Commercial Finance Institution Ltd
- (7) Fort Corporation

Claimants

ORIGINATING SUMMONS

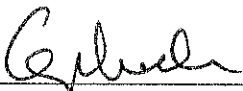
To: Actrade Commerce Ltd of 60 Nevis Street, St John's, Antigua, W.I. to Actrade Resources Inc of One Millars Court, Millars Court, P.O. Box N-7117, Naasau, Bahamas, to Actrade South America Ltd of 60 Nevis Street, St John's, Antigua, W.I., to Actrade Financial Technologies Inc of 200 Cottontail Lane, Vantage Court South, Somerset, New Jersey 08873, USA to International Clearing Corp of Craigmuir Chambers, P.O. Box 71, Road Town, Tortola, BVI to Commercial Finance Institution Ltd of Craigmuir Chambers, P.O. Box 71, Road Town, Tortola, BVI and to Fort Corporation of 60 Nevis Street, St John's, Antigua, W.I.

Let the Claimants Actrade Commerce Ltd, Actrade Resources Inc, Actrade South America Ltd, Actrade Financial Technologies Inc, International Clearing Corp, Commercial Finance Institution Ltd and Fort Corporation attend before the Judge in Chambers , at the Law Courts, George Town, Grand

Cayman on the day of 2002 at o'clock on the hearing of an application by the Applicant of 4th Floor, Scotiabank Building, George Town, Grand Cayman pursuant to Order 17 Grand Court Rules that the Claimants appear and state the nature and particulars of their respective claims to the money in dispute and maintain or relinquish the same and abide by such order as may be made hereon.

AND LET the Claimants within 14 days after service of this summons upon them counting the day of service return the accompanying Acknowledgement of Service to the Courts office.

Dated the 26th day of September, 2002



CAMPBELLS

Attorneys for the Applicant

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 **Origination Summons** was issued by Campbells attorneys for the Applicant whose address for service is 4th Floor, Scotiabank Building, Grand Cayman (Ref AJW/ble).

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.

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Claimants

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.**

Delay may result in judgment being entered against the Defendants whereby they may have to pay the costs of applying to set it aside.

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

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

yes

no

3. If the claim against the Defendant is for a debt or liquidated demand, AND he does not intend to contest the proceedings, state if the Defendant intends to apply for a stay of execution against any judgment entered by the Plaintiff (*tick box*).

yes

Service of the Writ is acknowledged accordingly

(Signed)

[Attorney] for

[Defendant in person]

Address for service:

Please complete overleaf

