

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 743 B
720 OF 2002

In the matter of an Application by Cayman National Bank Ltd. as Chargee with the Power of Sale over certain Charged Premises for an Order directing the sale by Private Treaty of the said Premises.

BETWEEN: CAYMAN NATIONAL BANK LTD. PLAINTIFF

AND: STELLA L. EBANKS, ELLEN O. EBANKS DEFENDANTS
& MICHAEL EBANKS

ORIGINATING SUMMONS

TO: The Clerk of the Court
Courts Office,
George Town, Grand Cayman

AND TO: Stella L. Ebanks,
Ellen O. Ebanks & Michael Ebanks
PO Box 2124, George Town,
Grand Cayman


LET THE DEFENDANTS, attend before the Judge in Chambers at the Law Courts, George Town, Grand Cayman on the 29 day of Nov 2002 at 9:30 o'clock am/pm on the hearing of an application by the Plaintiff for the following orders:

1. That this Honourable Court do sanction and permit the sale by Private Treaty by the Plaintiff of all that property registered in the Cayman Islands Land Registry with absolute title and being particularly known as Parcel 138 of Block 28B in the Savannah Registration Section of Grand Cayman ("the property") as Chargee with a power of sale over the property.
2. The Defendant and any other person occupying the Property do, within 28 days of this Order, vacate the Property and take all appropriate steps to give the Plaintiff vacant possession of the Property.

3. The Plaintiff do have leave to issue a Writ of Possession in relation to the Property at the expiry of the 28 days referred to in paragraph 2 above.
4. That the reserve price for the property be CI\$230,000.00.
5. That the Plaintiff be awarded the costs of this application.

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

Dated the 11th day of June 2002.


.....
O. L. PANTON & COMPANY
Attorneys-at-Law for the Plaintiff herein

TIME ESTIMATE: The estimated length of the hearing of this summons is fifteen minutes.

IMPORTANT

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

This Originating Summons was issued by O. L. Panton & Company, Attorneys-at-Law, Pansons Building, Crewe Road, P.O. Box 876, George Town, Grand Cayman, for and on behalf of the Plaintiff herein whose address for service is that of its said Attorneys-at-Law.

IN THE MATTER of the Registered Land Law

- AND -

IN THE MATTER of an Application by Cayman National Bank Ltd.
as Chargee with the Power of Sale over certain Charged Premises
for an Order directing the sale by Private Treaty of the said Premises.

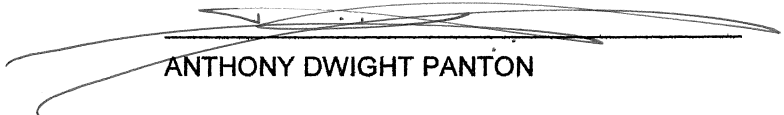
AFFIDAVIT

I, ANTHONY DWIGHT PANTON, of P.O. Box 876, George Town, Grand Cayman, make oath and say as follows:

1. That I am an Attorney-at-Law in the firm of O.L. Panton & Company, Pansons Building, Crewe Road, P.O. Box 876, George Town, Grand Cayman, Attorneys-at-Law for Cayman National Bank Ltd. (hereinafter referred to as "the Applicant"). I make this Affidavit in support of an Application by the Applicant for an Order that this Honourable Court doth sanction the variation and/or addition to a Charge by permitting a sale by private treaty by the Applicant of ALL THAT property comprised in the title to the Savannah Registration Section, Block 28B Parcel 138 ("the Property") by the Applicant as Chargee with a Power of Sale.
2. That STELLA L. EBANKS, ELLEN O. EBANKS and MICHAEL EBANKS are the registered proprietors of the Property which was registered in their names on or about the 3rd day of July, 1986. There is now produced and shown to me marked "ADP 1" a copy of the Land Register in respect of the parcel dated the 16th day of October 2001 relating to the Property.
3. That by a letter dated the December 8, 2000 issued by the Applicant, Stella L. Ebanks, Ellen O. Ebanks and Michael Ebanks was informed that the Property was to be sold unless the amount outstanding, CI\$97,958.99, was paid to the Applicant within three months of the date of service of the said letter. There is now produced and shown to me a copy of the letter dated December 8, 2000 to Stella L. Ebanks, Ellen O. Ebanks and Michael Ebanks marked "ADP 2". (Section 64 Notice).
4. That by a letter dated the December 8, 2000, issued by the Applicant, Stella L. Ebanks, Ellen O. Ebanks and Michael Ebanks was informed that the Property was to be sold unless the amount outstanding, CI\$97,958.99 was paid to the Applicant within three months of the date of service of the said letter. There is now produced and shown to me a copy of the letter dated December 8, 2000 to Stella L. Ebanks, Ellen O. Ebanks and Michael Ebanks marked "ADP 3". (Section 72 Notice).

5. That I have obtained valuations of the Property from two Chartered Quantity Surveyors, namely, BCQS and Alastair Paterson. There is now produced and shown to me copies of the aforesaid valuations marked "ADP 4" and "ADP 5" respectively.
6. That I make this Affidavit in support of the Applicant's Summons for a Declaration that this Honourable Court doth sanction the variation and/or addition to a Charge permitting a sale by private treaty of the Property by the Applicant as Chargee with a power of sale with a reserve price of CI\$230,000.00 and for such further and other directions as this Honourable Court doth deem fit and just.
7. Save where otherwise appearing, I depose to the foregoing from facts within my own knowledge.

Dated this 11th day of July 2002.


 ANTHONY DWIGHT PANTON

SWORN to at George Town, Grand Cayman)
 this 11th day of July 2002)
 before me:)
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 _____)
 JUSTICE OF THE PEACE/NOTARY PUBLIC

Filed by O.L. Panton & Company, Attorneys-at-Law, Pansons Building, Crewe Road, P.O. Box 876, George Town, Grand Cayman, for and on behalf of the Applicant herein, whose address for service is that of it's said Attorneys-at-Law.

DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE
OF ORIGINATING SUMMONS

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 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 Courts Office.
2. For the purpose of calculating the period of 14 days for acknowledging service, an originating summons 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 STELLA L. EBANKS, ELLEN O. EBANKS AND MICHAEL EBANKS."
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/her name.
5. Where the Defendant is sued as an individual TRADING IN A NAME OTHER THAN HIS/HER OWN, the form must be completed by him with the addition in paragraph 1 of the description "trading as (....." after his/her 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 its behalf.
7. Where the Defendant is 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.