



IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 92 OF 2003



In the matter of **SECTION 249 (4) THE COMPANIES LAW (2002 REVISION)**
And In the Matter of rights attaching to bearer shares issued by MCNIC Nepal Limited

BETWEEN: MCN INTERNATIONAL CORPORATION

Plaintiff

AND: THE FINANCIAL SECRETARY OF THE CAYMAN ISLANDS

Defendant

ORIGINATING SUMMONS

To: MCNIC Nepal Limited of One Capital Place, P.O. Box 847, Grand Cayman and to The Financial Secretary of the Cayman Islands, c/o Government Legal Department, 4th Floor, Tower Building, George Town, Grand Cayman

Let the Defendant **WITHIN 14 DAYS AFTER SERVICE OF THIS Summons** on him, counting the day of service, return the accompanying Acknowledgment of Service to the Courts office, P.O. Box 495GT, George Town, Grand Cayman.

By this Summons which is issued on the application of the MCN International Corporation of 2000 2nd Avenue, Detroit, MI 48226, USA, the Plaintiff claims against the Defendant:

1. MCNIC Nepal Limited (hereinafter called the "Company") was incorporated on 11th December 1997 as an exempt company;

2. On 15th December 1997 the Company transferred the 1 subscriber share with a nominal value of US\$1.00, issued to "the bearer".
3. An amendment to the Companies Law, required that bearer shares be deposited with a custodian (as defined in section 2, Companies Law (2002 Revision) within 12 months from 26 April, 2001 failing which the relevant bearer shares shall become null and void for all purposes under the Companies Law.
4. The bearer share was not located and returned to a custodian within 12 months of 26 April, 2001. The share certificate has now been returned to an authorised custodian and an order is sought restoring the bearer share pursuant to Section 249 (4) Companies Law (2002 Revision).

DATED this 18th day of February 2003.



CAMPBELLS

NOTE – 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 that date unless renewed by the order of the Court.

IMPORTANT

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

This Originating Summons was issued by issued by Campbells, Attorneys-at-Law for the Plaintiff, whose address for service is that of its Attorneys-at-Law, Fourth Floor, Scotiabank Building, P.O. Box 884, George Town, Grand Cayman, Cayman Islands B.W.I. (Ref: AJW/)

IN THE MATTER OF

BETWEEN MCN INTERNATIONAL CORPORATION

PLAINTIFF

AND: THE FINANCIAL SECRETARY OF THE CAYMAN ISLANDS

DEFENDANT

ACKNOWLEDGEMENT 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 a Defendant whereby he may have to pay the costs of applying to set it aside.

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

3. State whether the Defendant intends to contest the proceedings (tick appropriate box) [] yes [] no

4. 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 [] no

Service of the Writ is acknowledged accordingly

Address for service:

DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE

OF WRIT OF 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.