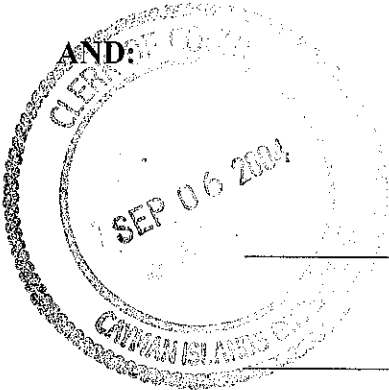


IN THE GRAND COURT OF THE CAYMAN ISLANDS

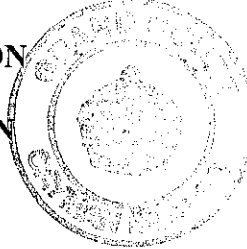
In the matter of the Registered Land Law (1995) Revision

Cause No. ⁴⁰² of 2004

BETWEEN: FIDELITY BANK (CAYMAN) LIMITED PLAINTIFF



AND: GORDON WALTON FIRST DEFENDANT



MAUDE WALTON SECOND DEFENDANT

ORIGINATING SUMMONS

LET THE PARTIES attend before the Judge in Chambers at the Law Court, George Town, Grand Cayman on the ^{29th} day of ^{October} 2004 at 9.30 a.m. for the hearing of an application by the Plaintiff for an order that:

1. This Honourable Court do sanction and permit the sale by treaty of all that property registered in the Cayman Islands' Land Register with absolute title and being particularly known as Registration Section George Town East Block 20E Parcel 273 ("the property") by the Plaintiff as Chargee with a power of sale over the property.
2. The Defendants 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 have leave to issue a Writ of Possession in relation to the property at the expiry of the 28 days referred to in paragraph two above.

4. Such further or other relief as this Honourable Court may deem appropriate.
5. The Defendants do pay the costs of this application, to be taxed if not agreed.

AND LET THE DEFENDANT within 14 days after service of this Summons on him counting the day of service, return the accompanying Acknowledgement of Service to the Courts Office.

DATED: 6th September 2004

FILED: 6th September 2004



**CAMPBELLS
ATTORNEYS FOR THE PLAINTIFF**

NOTES:

- (1) This Summons may not be served later than 4 calendar months, beginning with the above date unless renewed by 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.

Time Estimate: 15 minutes

To: The Clerk of the Court

And to: Gordon and Maude Walton

IN THE GRAND COURT OF THE CAYMAN ISLANDS

In the matter of the Registered Land Law (1995) Revision

402
Cause No. of 2004

BETWEEN: FIDELITY BANK (CAYMAN) LIMITED PLAINTIFF

AND: GORDON WALTON FIRST DEFENDANT

MAUDE WALTON SECOND 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 Originating Summons 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 Originating Summons is acknowledged accordingly

(Signed) _____

[Attorney] for
[Defendant in person]
Address for service:

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 Originating 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.