

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 467 OF 2004

IN THE MATTER OF THE REGISTERED LAND LAW (1995 REVISION)

B E T W E E N:

FIDELITY BANK (CAYMAN) LTD.

AND

MASTIC RETREAT LTD.



Plaintiff

Defendant

ORIGINATING SUMMONS

TO: Mastic Retreat Ltd. of P.O. Box 238 BT, 538 Bodden Town Road Grand Cayman,
Cayman Islands
Chargor under the legal charge hereinafter mentioned.

LET THE DEFENDANT of the addresses set out above attend before the Judge in
Chambers, at the Law Courts, George Town, Grand Cayman on the 31st day of January
2004 at 9.30 am in the hearing of an application by the Plaintiff of P.O. Box 914
GT, Grand Cayman, Cayman Islands for the following orders:

1. A declaration that the Defendant is in default of payment of the principal sum
payable to the Plaintiff and secured by the charges described below:

- First Charge registered on 17th October 2000 and evidenced by instrument
#7926/00;
- Second Charge registered on 9th February 2001 and evidenced by instrument
#992/01;

between the Defendant and the Plaintiff, Fidelity Bank (Cayman) Ltd., (formerly
British American Bank Ltd.) by virtue of which the properties in the Registration
Section North Side, Block 53A, Parcels 118; 119; 120; 121; 122; 125; 130;
131; 133 and 5REM1 was charged by the Defendants in favour of the Plaintiff to
secure the First Charge for CI\$175,000.00 and the Second Charge for principal
sum of CI\$20,000.00 and interest at the rate specified in the schedules thereto.

2. A declaration that the Defendant is in default of payment of a Third Charge payable to the Plaintiff and secured by the charges described below:

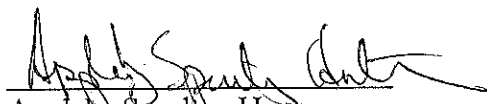
- Third Charge registered on 9th November 2001 and varied on 2nd May 2002 and evidenced by instrument #2068/02;

between the Defendant and the Plaintiff, now Fidelity Bank (Cayman) Ltd., (formerly British American Bank Ltd.) by virtue of which the property in the **Registration Section North Side, Block 53A, Parcel 5REM1** was charged by the Defendants in favour of the Plaintiff to secure the First Charge for CI\$90,000.00 and interest at the rate specified in the schedules thereto.

3. Delivery by the Defendant to the Plaintiff of possession of the Properties.
4. An order that the Charge be enforced by the sale of the Property by private treaty (as well as by Public Auction).
5. An Order determining the terms and conditions of sale by private treaty, if any.
6. Such further or other relief as the Court thinks fit.
7. Costs on an indemnity basis as set out in the pleaded Charges.

AND LET THE DEFENDANT within 14 Days after service (within 28 days of service if served out of the jurisdiction) of this summons on them counting the day of service, return the accompanying Acknowledgement of Service to the Courts Office.

Dated: 29th November 2004


Appleby Spurling Hunter
Attorneys for the Plaintiff

- NOTE:
1. This Summons may not be served later than 4 calendar months beginning with the above date unless renewed by order of the Court.
 2. If the Defendants do not attend personally or by their 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 Originating Summons was filed by Appleby Spurling Hunter, Attorneys-at-Law for the Plaintiff whose address for service is 75 Fort Street, P.O. Box 190 GT, George Town, Grand Cayman (Ref: WAS/09430.057).

IN THE GRAND COURT OF THE CAYMAN ISLANDS

467
CAUSE NO: OF 2003

IN THE MATTER OF THE REGISTERED LAND LAW (1995 REVISION)

FIDELITY BANK (CAYMAN) LTD.

Plaintiff

AND

MASTIC RETREAT LTD.

Defendant

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.

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 or otherwise participate in the proceedings (*tick appropriate box*)

☐ YES

☐ NO

Service of the Originating Summons is acknowledged accordingly

(Signed).....

[Attorney] for

[Defendant in person]

Address for service:

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

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

Appleby Spurling Hunter
75 Fort Street
The Huntlaw Building
P.O. Box 190 GT
Grand Cayman
Cayman Islands

Ref: WAS/09430.057

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

DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE OF ORIGINATING SUMMONS

The accompanying form of *Acknowledgement 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 Court's Office.
2. If you wish to defend claims made in the originating summons, or intend to attend the proceedings and to participate in them so far as necessary (although not necessarily in an adversarial manner) you should tick the "Yes" box in paragraph 2 of the acknowledgment of service.
3. 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.
4. 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*)".
5. 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.
6. 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.
7. 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.
8. Where the Defendant is a **MINOR** or a **MENTAL PATIENT**, the form must be completed by an Attorney acting for a guardian *ad litem*.
9. A Defendant acting in person may obtain help in completing the form at the Courts Office.