

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 106 OF 2005

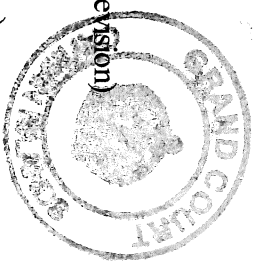
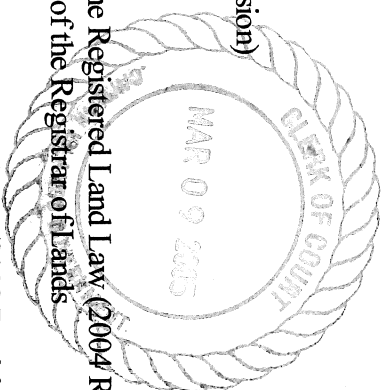
In the Matter of the Registered Land Law (2004 Revision)

And in the Matter of the Registered Land Rules (2003 Revision)

And in the Matter of the Stamp Duty Law (2003 Revision)

And in the Matter of an appeal pursuant to section 147 of the Registered Land Law (2004 Revision) by a person aggrieved by a decision and determinations of the Registrar of Lands

And in the Matter of an appeal pursuant to section 10 of the Stamp Duty Law (2003 Revision) by a person who has paid an adjudicated stamp duty



NOTICE OF ORIGINATING MOTION

TAKE NOTICE that the Court at the Law Courts, George Town, Grand Cayman will be moved on *27th April 2005* at *9.30* or as soon thereafter as Orren Merren ("Appellant") in person or by his counsel can be heard for an order that:

- (1) The sum of CI\$4,400.00 be refunded to the Appellant by the Registrar of Lands ("Registrar"), being in respect of late registration fees and late stamp duty interest that should not have been assessed, collected or retained by the Registrar in relation to registration of a transfer of land and two registered charges over parcels 112 and 297 of block 4D in the West Bay North registration section; and
- (2) The costs of and incidental to this appeal be paid by the Cayman Islands Government for and on behalf of the Registrar.

AND FURTHER TAKE NOTICE that the grounds of this appeal are:

1. By letter to the Appellant dated 7 February 2005, the Registrar decided that certain late fees quoted to the Appellant by lands registry staff on 18 June 2004 totaling CI\$4,400.00 still stand ("Registrar's decision") and, as detailed in a Notice of Intention to Appeal to the Grand Court ("Notice") filed with the Registrar on 7 March 2005, the Registrar's decision was influenced by a private construction contrary to subsection 3(2) of the Interpretation Law (1995 Revision) and contrary to established principles of statutory interpretation.

2. By letter to the Registrar dated 18 February 2005, the Appellant complied with the Registrar's decision by paying the said CI\$4,400.00 but also requested the Registrar to reconsider her decision in light of the submissions in that letter and to refund the said CI\$4,400.00 pursuant to rule 8 of the Registered Land Rules (2003 Revision); the Registrar has not replied to that letter and has wrongfully refused to refund the said CI\$4,400.00 as requested.
3. The Registrar erred in law in all the respects indicated above and in the Notice.
4. Such further or other grounds of appeal as set out in the Notice as may be relevant.

Dated the 8th day of March 2005.



Orten Merren

TO: The Clerk of the Court

AND TO: The Commissioner for Stamp Duty Collection and The Registrar of Lands
c/o The Honourable Attorney General's Chambers, Legal Department,
Cayman Islands Government

This Notice of Originating Motion was issued by Orten Merren whose address for service is 15 Simmons Way, P.O. Box 481 GT, George Town, Grand Cayman.