

IN THE GRAND COURT OF THE CAYMAN ISLANDS

112  
CAUSE NO. OF 2005.

IN THE MATTER OF A LEASE DATED 1<sup>ST</sup> OCTOBER 2001

AND

IN THE MATTER OF AN AGREEMENT FOR LEASE DATED MAY 2004

AND

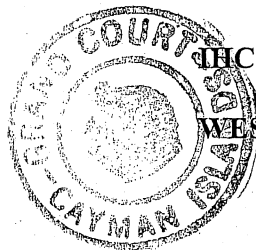
IN THE MATTER OF SECTIONS 28(g), 128 AND 129 REGISTERED LAND  
LAW (2004 REVISION)

BETWEEN

HW HOLDINGS LTD

PLAINTIFF

AND

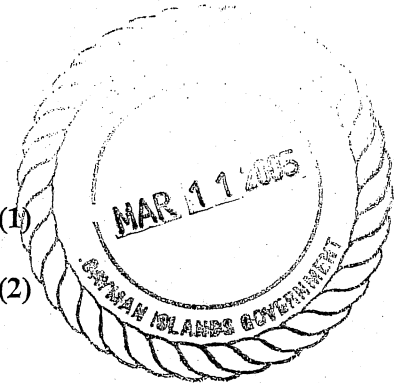


IHC PROPERTIES LTD

DEFENDANT (1)

WEST WIND HOLDINGS LTD

DEFENDANT (2)



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ORIGINATING SUMMONS

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TO: IHC Properties Ltd. of Windward 3 Regatta Office Park,  
P.O.Box 30611 SMB, Grand Cayman. Cayman Islands - Defendant(1)

AND TO; West Wind Holdings Ltd. of Anchorage Centre, P.O.Box 1380 G.T.  
Grand Cayman, Cayman Islands - Defendant(2)

LET THE DEFENDANTS and each of them within 14 days after service of this Summons on them, counting the day of service, return the accompanying Acknowledgment of Service to the Courts office, P.O. Box 495G, George Town, Grand Cayman.

By this Summons, which is issued on the application of HW Holdings Ltd of PO Box 1371 GT, Grand Cayman, Cayman Islands, the Plaintiff seeks the determination of the Court on the following questions and seeks the following relief:

1. A Declaration that on or about the 4<sup>th</sup> May 2004 the Plaintiff and Defendant (2) entered into a binding agreement for lease of Block OPY Parcel 161/29;
2. A Declaration that the terms, conditions, covenants and provisions of the lease agreed between the Plaintiff and Defendant as declared pursuant to paragraph 1 hereof included a covenant (*inter alia*) to pay rent calculated by reference to the amount of US\$36 per square foot per annum for the demised premises;
3. A Declaration that the agreement for lease referred to in paragraphs 1 and 2 above is an overriding interest within the meaning of section 28(g) of the Registered Land Law (2004 Revision);
4. A Declaration that Defendant (1) as proprietor by transfer for value of the reversion took with notice of and subject to the aforesaid agreement for lease and is bound by the said agreement;
5. An Order for Specific Performance compelling Defendant (1) to execute the agreed lease in accordance with the terms agreed as declared pursuant to paragraph 1 and 2 hereof;
5. Alternative to the relief sought in paragraph 5 hereof damages;
6. That the Plaintiff do have the costs of this Originating Summons to be taxed if not agreed;

7. Interest on such amount as may be awarded by the Court under paragraph 5 hereof pursuant to section 34 of the Judicature Law (2004 Revision) in such amount and at such rate as the Court thinks fit;
8. Further or other relief.

If the Defendants or any of them do not acknowledge service, such judgment may be given or order made against or in relation to him or them as the Court may think just and expedient.

Dated the 9<sup>th</sup> day of March 2005.

Filed the 11<sup>th</sup> day of March 2005.

Bodden & Bodden  
*BODDEN & BODDEN Attorneys-at-Law*

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 order of the Court.

**IMPORTANT**

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

This Originating Summons was issued by Bodden & Bodden, Attorneys-at-Law, Attorneys for the Plaintiff whose address for service is 802 Grand Pavilion Commercial Centre, P.O.Box 10335 APO, West Bay Road, Grand Cayman Cayman Islands .

**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 495GT, 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. 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.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 2001

BETWEEN:

Plaintiff(s)

AND:

Defendant(s)

**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.

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1. State the full name of the Defendant by whom or on whose behalf the service of the Originating Summons is being acknowledged.

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2. State whether the Defendant intends to contest or otherwise participate in the proceedings (*tick appropriate box*).

yes

no

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Service of the Originating Summons is acknowledged accordingly.

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Attorney for the Defendant  
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 in person) of his name, address and reference, if any, in the box below.

Bodden & Bodden  
Attorneys-at-Law  
PO Box 10335 APO  
George Town  
Grand Cayman, Cayman  
Islands  
British West Indies  
(Reference: )

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

