

June 1<sup>st</sup>, 2005

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 250 OF 2005

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

B E T W E E N:

FIDELITY BANK (CAYMAN) LTD.

Plaintiff ✓

AND

- 1. HENDERSON HOLDINGS LTD.
- 2. CAROL MICHAEL HENDERSON
- 3. VIRGINIA LEE PENDELL HENDERSON

Defendants

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ORIGINATING SUMMONS

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TO: Henderson Holdings Ltd.  
 Ogier Fiduciary Services (Cayman) Limited  
 PO Box 1234 GT  
 Grand Cayman, Cayman Islands

AND: Carol Michael Henderson & Virginia Lee Pendell Henderson  
 PO Box 11739 APO  
 Grand Cayman, Cayman Islands  
 Chargor under the legal charge hereinafter mentioned.

LET THE DEFENDANTS of the addresses set out above attend before the Judge in Chambers, at the Law Courts, George Town, Grand Cayman on the 6<sup>th</sup> day of July 2005 at 9.30 am in the hearing of an application by the Plaintiff of PO Box 914 GT, Grand Cayman, Cayman Islands for the following orders:

1. A declaration that payment of the principal sum secured by the Charge identified below is in default:

- Collateral Charge registered on 5 February 2002 and evidenced by instrument #782/02;

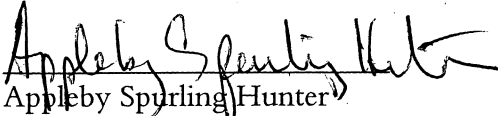
between the Defendants and the Plaintiff, Fidelity Bank (Cayman) Ltd., (formerly British American Bank Ltd.) by virtue of which the property in the **Registration**

**Section George Town East, Block 20B, Parcel 316** was charged by the Defendants in favour of the Plaintiff to secure the First Charge for principal sum of US\$600,000.00 and interest at the rate specified in the schedules thereto;

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

**AND LET THE DEFENDANTS** 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: 1 June 2005

  
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 and on behalf of the Plaintiff whose address for service is 75 Fort Street, PO Box 190 GT, Grand Cayman (ref: WAS/09430.059)

**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 each Defendant or by each Defendant if acting in person. After completion it must be delivered or sent by post to the Law Courts, PO Box 495 GT, George Town, Grand Cayman.

**Notes for Guidance**

1. Each Defendant (if there are more than one) is required to complete an Acknowledgement 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.
2. For the purpose of calculating the period of 14 days for acknowledging service, an originating summons 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 its 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.

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BETWEEN:

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Plaintiff

AND

1. HENDERSON HOLDINGS LTD.
2. CAROL MICHAEL HENDERSON
3. VIRGINIA LEE PENDELL HENDERSON

Defendant

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ACKNOWLEDGMENT OF ORIGINATING SUMMONS

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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 proceeding (*tick appropriate box*)  
 yes                       no
- 

Service of the Originating Summons is acknowledged accordingly

(Signed).....

[Attorney] for  
[Defendant in person]

Address for service:

*Please complete overleaf*

**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 communication for him should be sent. In the case of a limited company, "residence" means its registered or 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 Attorneys-at-Law 75 Fort Street PO Box 190 GT George Town Grand Cayman  Ref: WAS/09430.059
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Indorsement by defendant's Attorney (or by defendant if suing in person) of his name, address and reference, if any, in the box below.

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