

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. **377** OF 2005

GCA 1/05

IN THE MATTER of The Registered Land Law, Section 147 and Order 55, Grand Court Rules 1995.

AND IN THE MATTER of an Appeal from the Decision of the Registrar of Lands dated July 22, 2005, in regard to the registration of a pedestrian right of way over Block 52B Parcel 4 in the Breakers Registration Section of Grand Cayman.

BETWEEN:

PRENTICE PANTON

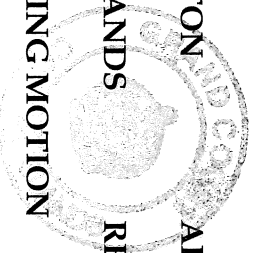
APPELLANT

AND:

THE REGISTRAR OF LANDS

RESPONDENT

NOTICE OF ORGINATING MOTION



TAKE NOTICE that the Court at the Law Courts, George Town, Grand Cayman will be moved on the ____ day of ____ 2005 at ____ o'clock or so soon thereafter as Counsel for the Appellant can be heard for the following Orders:

1. That the Decision of the Registrar of Lands dated 22nd of July 2005 and notified to the Appellant on the 28th of July 2005 respecting the registration of a pedestrian Right of Way over Block 52B Parcel 4 in favour of Block 52B, Parcel 32REM1 be set aside;
2. Such further and other relief as this Honourable Court may deem just

And for an Order that the costs of and incidental to this appeal may be paid by the Respondent.

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

1. The Registrar erred in finding that there had been acquired by prescription a pedestrian right of way over the said Parcel 4 of Block 52B;
2. The Registrar erred in failing to give any or any proper notice to the Appellant and further failed to give the Appellant any opportunity to be heard in relation to the application for the registration for the easement before making her decision;
3. The Registrar failed to consider either properly or at all whether the proprietor of the land burdened by such easement was, or could by reasonable diligence have been aware of the enjoyment of the easement



and whether he might have by his own efforts prevented it as is required by the Proviso to Section 138(1) of the Registered Land Law (1995 Revision).

Dated the 23rd day of August 2005.



J. Samuel Jackson
Attorney at Law for the Appellant

TO: The Clerk of the Court

AND TO: The Registrar of Lands

AND TO: Mr. William Wood as proprietor of Block 52B, Parcel 32REM1

This Notice of Originating Motion was issued by J. Samuel Jackson, Attorney-at-Law for the Appellant herein, whose address for service is that of his said Attorney-at-Law at Suites 29 & 30, The Strand, West Bay Rd, Grand Cayman, Cayman Islands.