

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. *516* OF 2005

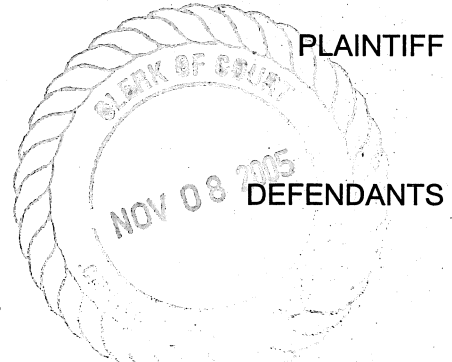
IN THE MATTER OF SECTION 77 OF THE REGISTERED LAND LAW (2004 REVISION)

AND IN THE MATTER OF AN APPLICATION BY FIRSTCARIBBEAN INTERNATIONAL FINANCE CORPORATION (CAYMAN) LIMITED AS CHARGEES OVER CERTAIN CHARGED PROPERTY FOR AN ORDER DIRECTING THAT THE PLAINTIFF BE PERMITTED TO SELL THE PROPERTY CHARGED BY THE DEFENDANTS TO THE PLAINTIFF BY WAY OF PRIVATE TREATY

BETWEEN: FIRSTCARIBBEAN INTERNATIONAL FINANCE CORPORATION (CAYMAN) LIMITED



AND: (1) KEITH BARNES
(2) ZOILA BARNES



PLAINTIFF

DEFENDANTS

ORIGINATING SUMMONS


LET THE DEFENDANTS of P.O. Box 2880GT, George Town, Grand Cayman, Cayman Islands attend before a Judge in Chambers at the Law Courts, George Town, Grand Cayman, on the *30th* day of *November* 2005, at *9.30* o'clock in the *noon*, on the hearing of an application by the Plaintiff of FirstCaribbean House, 25 Main Street, PO Box 68 GT, George Town, Grand Cayman, Cayman Islands, for orders and directions as follows:-

1. That this Honourable Court sanction the variation and/or addition permitting the Plaintiff to rely upon the terms contained in the charge made by the Defendants in favour of the Plaintiff dated 2 June 1999 and registered at the Land Registry on 25 August 1999 ("the Charge") over Registration Section George Town East, Block 20E, Parcel 310H26 ("the Property") including the power contained in Clause 19(c) being the power to sell by private treaty;
2. That this Honourable Court sanction the variation and/or addition permitting the Plaintiff to foreclose or enter into possession of the charged premises contained in Clause 19(b) of the Charge;

3. That a confidential reserve price of CI\$35,000.00 be fixed in relation to the sale of the Property.
4. That there be liberty to apply; and
5. That the Plaintiff be awarded the costs of this application from the proceeds of sale of the Property.

AND LET THE DEFENDANTS 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, PO Box 495 GT, George Town, Grand Cayman.

DATED the 7th day of November 2005.



WALKERS
Attorneys-at-Law for the Plaintiff

- NOTES:-
- (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 attorneys at the time and place above-mentioned, such Order will be made as the Court may think just and expedient.

IMPORTANT

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

TO: The Clerk of the Court

AND TO: The Defendants

Time Estimate: The estimated length of the hearing of this Originating Summons is 15 minutes.

This Originating Summons is filed by Walkers, Attorneys-at-Law, P.O. Box 265 GT, Walker House, 87 Mary Street, George Town, Grand Cayman, for the Plaintiff whose address for service is care of its said Attorneys-at-Law.

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PLAINTIFF

AND: (1) KEITH BARNES
(2) ZOILA BARNES

DEFENDANTS

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.

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

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

yes

no

Service of the Originating Summons is acknowledged accordingly.

(Signed)

[Attorney] for

[Defendants in person]

Address for service:

Notes on address for service

Attorney: where the Defendants are 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.

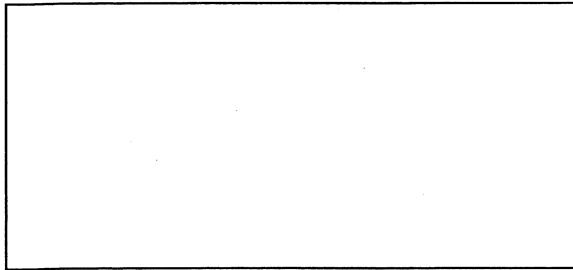
Please complete overleaf

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

Walkers
Attorneys-at-Law
P.O. Box 265 GT
Walker House, Mary Street
George Town, Grand Cayman

Ref: DMM/KW/be/B2-39591

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 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 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 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, an Originating Summons 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.