

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. <sup>518</sup> OF 2005.

IN THE MATTER OF THE CONSTRUCTION OF A CONTRACT FOR THE  
PURCHASE OF LAND DATED 5<sup>th</sup> APRIL 2005

AND

IN THE MATTER OF AN ORDER FOR SPECIFIC PERFORMANCE

BETWEEN

DESMOND SEALES

PLAINTIFF

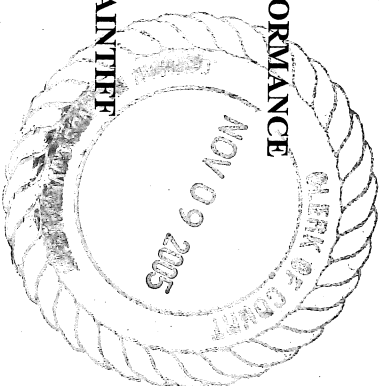
AND

JOANNA LAWRENCE

DEFENDANT (1)

BETTER PROPERTIES  
INTERNATIONAL LTD

DEFENDANT (2)



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ORIGINATING SUMMONS

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TO: Joanna Lawrence P.O. Box 309GT, Grand Cayman, Defendant (1)

Better Properties International Ltd. of P.O.Box 855GT, Grand Cayman  
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 Desmond Seales of PO Box 10613APO, 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 a true construction of a certain contract (hereinafter the "Contract") for the purchase of land dated the 5<sup>th</sup> April 2005 made between the Plaintiff of the one part and Defendant (1) of the other part Condition 1 of clause 5 of the said Contract had not been satisfied as provided therein or at all;
2. A Declaration that on a true construction of clause 17.A.(2) of the said Contract Defendants (1) as Vendor and Defendant (2) as stakeholder and/or trustee were under a duty to refund to the Plaintiff the deposits (as defined in the said Contract) paid by the Plaintiff to Defendant (2) forthwith;
3. A Declaration that Defendant (2) was in breach of clauses 3. d. and 3. e. of the said Contract and in breach of the trust created by the said clause 3. d by paying the said deposits to Defendant (2) before completion of the said Contract contrary to clause 3. e. of the said Contract;
4. An Order for Specific Performance compelling Defendant (1) and/or Defendant (2) to pay or alternatively procure the payment of the sum of CUS\$1,500.00 forthwith to the Plaintiff;
6. That the Defendants do pay the Plaintiff's 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 Defendant does not acknowledge service, such judgment may be given or order made against or in relation to him as the Court may think just and expedient.

Dated the ~~31<sup>st</sup>~~ day of Oct . 2005.

Filed the ~~9<sup>th</sup>~~ day of Nov . 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, 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 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, 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.



[Attorney] for

[Defendant in person]

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.

**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.

Bodden & Bodden  
Atroneys-at-Law  
802 Grand Pavilion Commercial  
Centre, P.O.Box 10355APO, Grand  
Cayman, Cayman Islands.