

IN THE GRAND COURT OF THE CAYMAN ISLANDS

543

CAUSE NO: OF 2005

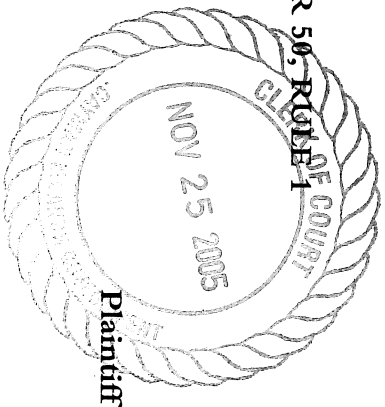
IN THE MATTER OF THE REGISTERED LAND LAW (2004 REVISION)

AND IN THE MATTER OF GCR ORDER 50, RULE 1

ALFRED SOLOMON



AND



Plaintiff

(1) VERNON VIGILANT

(2) LEOLIN ADINA VIGILANT

Defendants

NOTICE OF ORIGINATING
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 as soon thereafter as counsel can be heard, by counsel on behalf of Alfred Solomon for the following declaration and orders:

1. The First and Second Defendants' interest in the assets specified in the schedule hereto shall, and it be ordered that in the meantime it does, stand charged with the payment of US\$19,457.01 due on the said judgments and interest thereon at the rate as set pursuant to the Judicature Law (1995 Revision) and the Judgment Debt

(Rates of Interest) Rules as revised from time to time together with the Plaintiff's costs.

2. A declaration that the Plaintiff is joint proprietor of a one-third share of each of the properties located at Bodden Town Block 44B Parcel 217, Bodden Town Block 44B Parcel 360, Duck Pond Block 42A Parcel 4 and Duck Pond Block 42A Parcel 8, respectively, and is entitled to reasonable access to the property located at Bodden Town 44B Parcel 217.
3. The Defendants shall forthwith provide the Plaintiff with a functional key to the property located at Bodden Town 44B Parcel 217.
4. Further and other relief as the Court sees fit.
5. Costs of and incidental to this application be paid by the Defendants on an indemnity basis.

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

1. On 13 September 2002, a Default Costs Certificate was issued in Cause No. 494 of 1995 against the Defendants (and other parties against whom no relief is sought in these proceedings) in favour of the Plaintiff for the sum of US\$12,586.00. Final payment of the principal sum was made on 3 June 2002, however interest in the amount of US\$409.20 remains outstanding to date.
2. On 23 May 2003, a Default Costs Certificate was issued in Cause No. 424 of 1998 against the Defendants (and other parties against whom no relief is sought in these proceedings) in favour of the Plaintiff for the sum of US\$2,148.20. The principal sum remains outstanding plus interest of US\$162.36 as at 24 November 2005. Daily interest of US\$0.18 continues to accrue until payment is received.

3. On 15 August 2005, a Default Costs Certificate was issued in Cause No. 22 of 1999 against the Defendants (and one other party against whom no charging order is sought in these proceedings) in favour of the Plaintiff for the sum of US\$16,601.65. The principal sum remains outstanding plus interest of US\$92.48 as at 24 November 2005. Daily interest of US\$1.36 continues to accrue until payment is received.
4. The total sum owed to the Plaintiff by the Defendants as at 24 November 2005 is US\$19,457.01. The Defendants have failed to the pay the whole or any part of the outstanding debt.
5. By Order dated 26 August 2004, the claims brought by the Defendants against the Plaintiff in Cause No. 22 of 1999 and Cause No. 428 of 1998, respectively, were struck out on 26 August 2005.

Dated the 24th day of November 2005.


APPLEBY SPURLING HUNTER

TO: The Clerk of the Court

AND TO: Keith Collins & Co.

Attorneys-at-law for the Defendant
Elizabethan Sq, 2nd Flr, Unit #207
PO Box 2250GT
Grand Cayman

SCHEDULE

1. Registration Section Boddan Town Block 44B Parcel 333
2. Registration Section Boddan Town Block 44B Parcel 357

THIS NOTICE OF ORIGINATING MOTION was issued by Appleby Spurling Hunter, Attorneys-at Law for the Plaintiff, whose address for service is Clifton House, 75 Fort Street, P.O. Box 190 GT, Grand Cayman, Cayman Islands (Ref. MM/WAS/09130.003).