

BETWEEN:

(1) LAURENCE GELLER
(2) RUTH GELLER

Plaintiff

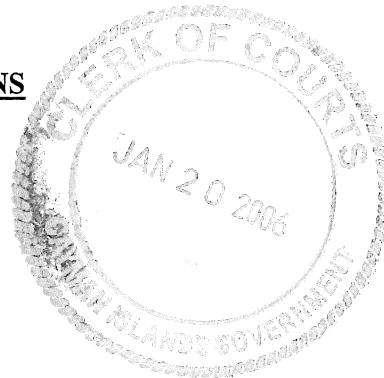
AND:

ISLAND HERITAGE INSURANCE COMPANY LIMITED

Defendant



WRIT OF SUMMONS



To: Island Heritage Insurance Company Limited
c/o Stuarts Walker Hersant
Cayman Financial Centre
36A Dr Roy's Drive
P O Box
George Town
Grand Cayman
Cayman Islands BWI

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff in respect of the claim set out on the next page.

Within 14 days after service of this Writ on you, counting the day of service, you must either satisfy the claim or return to the Court office, PO Box 495 GT George Town, Grand Cayman, the accompanying Acknowledgement of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgement within the time stated, or if you return the Acknowledgement without stating therein an intention to contest the proceedings, the Plaintiff may proceed with the action and judgement may be entered against you forthwith without further notice.

ISSUED this ^H20 day of January 2006.

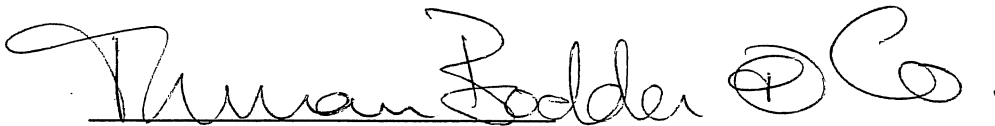
NOTE – This Writ may not be served later than 4 calendar months beginning with the date of issue unless renewed by order of the Court.

IMPORTANT

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

AND THE PLAINTIFFS' claim is for:

- (1) A declaration that the contract of insurance under policy number HH-01299 between the Plaintiffs and the Defendant providing coverage, inter alia, in respect of loss or damage to the property at Block 28D, Parcel 296/297, Gloria May Drive, Savannah, Grand Cayman ("the Property") during the period 5th July 2005 to 4th July 2006 ("the Contract") is a valid and subsisting contract;
- (2) A declaration that pursuant to the Contract the Defendant is liable to indemnify the Plaintiffs in respect of the loss and damage caused to the Property and its contents as a result of Hurricane Wilma in or about October 2005 and all steps taken to mitigate such loss;
- (3) A declaration that the purported avoidance of the Contract by the Defendant on 13th January 2006 was unlawful;
- (4) Subject to credit for the sum which falls to be deducted under the terms of the policy (\$175,000) an indemnity under the Contract in respect of the loss and damage caused to the Property and its contents as a result of Hurricane Wilma, the steps taken to mitigate such loss and the cost of alternative accommodation until the Property is habitable
- (5) Further or alternatively damages for breach of contract;
- (6) Interest on all sums found to be due to the Plaintiffs at such rate and for such period as this Honourable Court thinks fit;
- (7) Costs;



TRUMAN BODDEN & COMPANY

For and on behalf of the Plaintiffs

THIS WRIT was issued by Truman Bodden & Company, PO Box 866, George Town, Anderson Square Building, Shedden Road, Grand Cayman, Cayman Islands, BWI.

DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE
OF WRIT OF 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 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 acknowledgement 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 named stated on the Writ of 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.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 30 OF 2006

BETWEEN:

- (1) LAURENCE GELLER
- (2) RUTH GELLER

Plaintiff

AND:

ISLAND HERITAGE INSURANCE COMPANY LIMITED

Defendant

ACKNOWLEDGMENT OF SERVICE
OF WRIT OF 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.**

Delay may result in judgment being entered against a Defendant whereby he may have to pay the costs of applying to set it aside.

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

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

Yes No

3. If the claim against the Defendant is for a debt or liquidated demand, AND he does not intend to contest the proceedings, state if the Defendant intends to apply for a stay of execution against any judgment entered by the Plaintiff (*tick box*)

Yes No

Service of the Writ of Summons is acknowledged accordingly

(Signed).....

[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.

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

Truman Bodden & Company
PO Box 866GT
Anderson Square Building
George Town
Grand Cayman
Ref: PSB/5773

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

