

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 97 OF 2006

IN THE MATTER OF STINGRAY CONSTRUCTION COMPANY LTD  
AND IN THE MATTER OF THE COMPANIES LAW (2004 REVISION)

B E T W E E N:

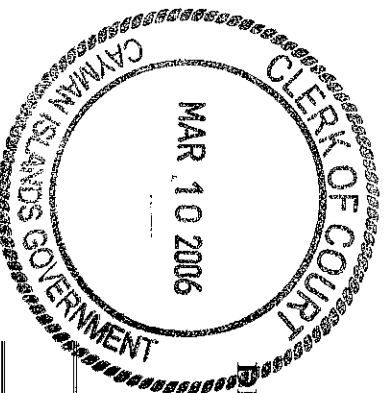
STINGRAY CONSTRUCTION COMPANY LTD

Plaintiff

AND

DRG-RESORT WATERSCAPES JV

Defendant



---

ORIGINATING SUMMONS

---

LET THE DEFENDANT of PO Box 330816, Miami, Florida 32333 attend before the Judge in Chambers, at the Law Courts, George Town, Grand Cayman on the *21<sup>st</sup>* day of *April* 2006, at *9:30* o'clock, on the hearing of an application by Stingray Construction Company Ltd of Clifton House, PO Box 1350GT, 75 Fort Street, George Town, Grand Cayman (the "Plaintiff"), that:

1. DRG-Resort Waterscapes, JV (the "Defendant") may be restrained, whether by itself, or by its servants or agents or otherwise howsoever, from:

- 1.1 Presenting a petition to this Honourable Court, or any Court, for the winding up of the Plaintiff based on the sum of US\$200,864.00 claimed in the statutory demand issued by the Defendant dated 3 February 2006


pursuant to section 95 of the Companies Law (2004 Revision) and served on the Plaintiff on 6 February 2006 (the "Statutory Demand"); and

- 1.2 Commencing any proceedings by way of action or otherwise before this Honourable Court, or any Court, for the payment of the sum of US\$200,864.00 claimed in the Statutory Demand or for the determination of any issue relating to the liability of the Plaintiff to make such payment, on the grounds that such proceedings would be in breach of a binding arbitration clause agreed between the parties which is effective pending determination of the Plaintiff's reference to arbitration by demand dated 10 March 2006.

2. Such other order be made as the Court consider fit; and
3. The costs of this application be paid by the Defendant to the Plaintiff.

**AND LET THE DEFENDANT** within 14 days after service of this Summons on them, counting the day of service, or not later than the next day but one before the date fixed above for the hearing of this Summons, whichever shall be the sooner, return the accompanying Acknowledgment of Service to the Courts Office, PO Box 495GT, George Town, Grand Cayman, Cayman Islands.

Dated the 10<sup>th</sup> day of March 2006

  
\_\_\_\_\_  
Appleby Spurling Hunter

Attorneys-at-Law for the Plaintiff

**NOTE:**

1. 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 the above date unless renewed by order of the Court.

2. If a defendant does not attend personally or by his attorney 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.

This Originating Summons was issued by Appleby Spurling Hunter, Attorneys-at-Law for the Plaintiff, whose address for service is that of its said Attorneys-at-Law, namely Clifton House, 75 Fort Street, PO Box 190 GT, Grand Cayman, Cayman Islands (Ref: JT/11131.003).