Originating Summons (O.28 GCR)

IN THE GRAND COURT OF THE CAYMAN ISLANDS

IN THE MATTER OF THE REGISTERED LAND LAW (REVISED)

CAUSE NO. 551 OF 1996

BETWEEN	**HINRICH ROLAND PROPPER AS EXECUTOR OF THE WILL OF PHILLIP EDWARD INSKIP DECEASED**	**PLAINTIFF**
AND	**BASIL ROBERTS**	**DEFENDANT**

CLERK OF COURT
OCT 22 1996
CAYMAN ISLANDS GOVERNMENT

ORIGINATING SUMMONS

TO: **BASIL ROBERTS**
c/o Cayman Doors Ltd.
Red Gate Road
off North Sound Road,
George Town, Grand Cayman

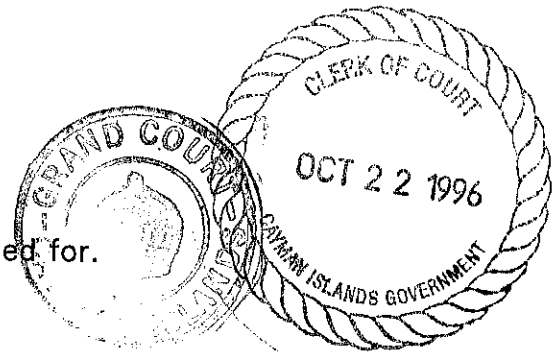
LET THE DEFENDANT, within 14 days after service of this Summons on him, counting the day of service, return the accompanying Acknowledgement of Service to the Courts Office, P.O. Box 495G, George Town, Grand Cayman.

By this Summons, which is issued on the application of the Plaintiff, the Plaintiff claims against the Defendant:

1. A declaration that an agreement dated 16th February, 1987 between the late Phillip Inskip, ("the deceased") and the Defendant is now discharged by repudiation and/or recission.

2. A declaration that the Defendant, was not at the date of registration of the caution registered against the land known as George Town East Block 19E Parcel 152 and/or is now, not a person who can claim an unregisterable interest by reason of the said agreement

3. An Order that the said caution should not continue to have effect and should be removed from the Land Register.



4. That the costs of this application be provided for.

5. Such further and/or other relief.

If the Defendant does not acknowledge service, such judgement may be given or order made against or in relation to him as the Court may think just and expedient.

Dated the 22nd day of October, 1996.

Hunter & Hunter

HUNTER & HUNTER
Attorneys-at-law for the Plaintiff

NOTE - This Summons may not be served later than 4 calendar months beginning with that date unless renewed by order of the Court.

This Originating Summons was issued by Hunter & Hunter, Attorneys-at-Law for and behalf of the Plaintiff herein whose address for service is that of his Attorneys-at-Law, The Huntlaw Building, P.O. Box 190, George Town, Grand Cayman. (Ref: TE/P128L)

Acknowledgement of service of originating summons (O.10, r.5)

DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE OF ORIGINATING SUMMONS

The Accompanying form of *Acknowledgement 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. 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.

3. 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*)".

4. 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.

5. 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.

6. 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.

7. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian *ad litem.*

8. 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: 551 OF 1996

BETWEEN: HINRICH PROPPER PLAINTIFF
EXECUTOR OF THE WILL OF THE
PHILLIP EDWARD INSKIP
DECEASED

AND: BASIL ROBERTS DEFENDANT

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.

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

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

yes no

Service of the Originating 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.

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.

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