

CAUSE NO 411 OF 2006

IN THE GRAND COURT OF THE CAYMAN ISLANDS
IN THE MATTER OF THE REGISTERED LAND LAW (2004 REVISION)
AND IN THE MATTER OF LOWER VALLEY BLOCK 38D PARCEL 47
BETWEEN:

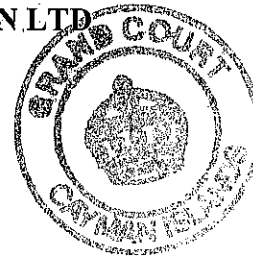
THE CAYMAN ISLANDS CIVIL SERVICE ASSOCIATION
CO-OPERATIVE CREDIT UNION LTD

PLAINTIFF

AND

EMMELINE MINZETT
RENA ALEXANDER

DEFENDANTS



ORIGINATING SUMMONS

**TO: EMMELINE MINZETT of P.O. Box 105BT, Grand Cayman
RENA ALEXANDER of P.O. Box 105BT, Grand Cayman**

LET THE DEFENDANTS, Emmeline Minzett and Rena Alexander, within 14 days after service of this Summons on them, counting the day of service, return the accompanying Acknowledgement of Service to the Court's Office, P.O. Box 495 GT, George Town, Grand Cayman.

BY THIS SUMMONS which is issued on the application of the Plaintiff, The Cayman Islands Civil Service Association Co-operative Credit Union Ltd, the Plaintiff seeks relief pursuant to the provisions of the Registered Land Law (2004 Revision).

1. On or about 18th March 2003 Sheila Minzett, a member of the Plaintiff Credit Union, applied to the Plaintiff for a loan in the sum of CI\$25,000.00 which, together with the balance of previous loans made to the said Sheila Minzett, gave a total amount of borrowing of CI\$145,876.51. This borrowing was to be re-paid by 120 monthly payments of CI\$1,908.13 and was to be secured by a First Legal Charge on the land registered at the Lands & Survey Department as Lower Valley, Block 38D, Parcel 47 ("the Property").
2. The Property was at all material times registered in the names of the Defendants, Emmeline Minzett and Rena Alexander and on 19th March 2003 the Plaintiff as Chargee

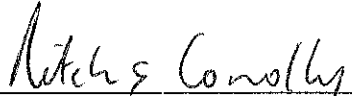
and the Defendants as Chargors executed a Variation of Legal Charge in respect of the Property.

3. The Variation of Legal Charge dated 19th March 2003 provided that:
 - 3.1 The Plaintiff would lend and the Defendants would borrow the additional sum of CI\$23,619.99 to give a total amount secured of CI\$145,876.51 (“the Principal Sum”).
 - 3.2 Interest on the Principal Sum would accrue at the rate of 0.81% per month on the reducing balance.
4. On and since October 2003 Sheila Minzett has failed to pay the monthly instalments due in respect of the Principal sum loaned and in respect of interest.
5. By a letter dated 3rd May 2006 and served on the Defendants on 13th May 2006, Messrs Ritch & Conolly as attorneys for the Plaintiff served notice on the Defendants pursuant to the provisions of Section 64(2) and Section 72(1) of the Registered Land Law (2004 Revision) indicating that the sum secured by the Legal Charge was repayable three months after the service of the Notices and indicating that the Principal Sum was owing and that the Defendants had an obligation to make payment.
6. Neither of the Defendants or the said Sheila Minzett made payment in respect of the balance of the Principal Sum outstanding and/or interest or any payment.
7. The Registered Land Law (2004 Revision) provides that once a notice of demand has been served pursuant to Section 64(2) the total amount of outstanding principal and interest becomes due and payable three months after service of that notice. The Plaintiff avers that the letter dated 3rd May 2006 and served on the Defendants on 13th May 2006 constitutes such a Notice pursuant to Section 64(2).
8. The Registered Land Law (2004 Revision) by virtue of Section 72(1), provides that once there is a default in the payment of principal, or any other periodical payments and if such default continues for three months, the chargee may serve on the chargor notice in writing to pay the money owing or to perform and observe the terms of the Legal Charge, as the case may be.
9. The Registered Land Law (2004 Revision) by virtue of Section 72(2), provides that if a Chargor has not complied within three months after the date of service of the Notice served on him under Section 72(1) the Chargee may sell the charged property. Therefore, on or since September 2006 there has accrued a right in favour of the Plaintiff to sell the charged property and the Plaintiff seeks an Order that it may do so.
10. In the premise, the Plaintiff seeks an Order pursuant to the provisions the Registered Land Law (2004 Revision) that:
 - 10.1 An Order for possession be made.

- 10.2 The Plaintiff have leave pursuant to Grand Court Rules, Order 45, Rule 3(1) and (2) to issue a Writ of Possession in this matter in respect of the property.
11. The Plaintiff also seeks an Order that if after any sale of Parcel 47 should there be any shortfall in the amount due and owing to the Plaintiff, that the Plaintiff be at liberty to enter judgment for the said shortfall, together with interest and costs.

If the Defendants do not acknowledge service, judgment may be given, or Order made against, or in relation to them, as the Court may think just and expedient.

Dated the 29th day of September 2006.



Ritch & Conolly
Attorneys-at-Law
for the Plaintiff

NOTE: This Summons may not be served later than 4 calendar months (*or if leave is required to effect Notice out of the jurisdiction, 6 months*) beginning with that date, unless renewed by Order of the Court.

IMPORTANT

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

IN THE GRAND COURT OF THE CAYMAN ISLANDS
IN THE MATTER OF THE REGISTERED LAND LAW (2004 REVISION)
AND IN THE MATTER OF LOWER VALLEY BLOCK 38D PARCEL 47

BETWEEN:

THE CAYMAN ISLANDS CIVIL SERVICE ASSOCIATION
CO-OPERATIVE CREDIT UNION LTD

PLAINTIFF

AND

EMMELINE MINZETT
RENA ALEXANDER

DEFENDANTS

**ACKNOWLEDGEMENT 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.

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

2. State whether the Defendant intends to contest or otherwise participate in 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 Defendants are 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 or principal office.

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

Ritch & Conolly
Attorneys-at-Law
Queensgate House
PO Box 1994 GT
113 South Church Street
George Town, Grand Cayman
Cayman Islands, BWI

RHJ - CICS A 10244

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

No. 9

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

**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 495GT, 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.