

IN THE GRAND COURT OF THE CAYMAN ISLANDS      CAUSE NO. OF 2006. **529**

IN THE MATTER OF LAND REGISTERED AS BLOCK 13E PARCEL 166

AND IN THE MATTER OF A CLAIM FOR A DECLARATION OF TITLE  
ACQUIRED BY ADVERSE POSSESSION AND CONSEQUENTIAL  
RECTIFICATION

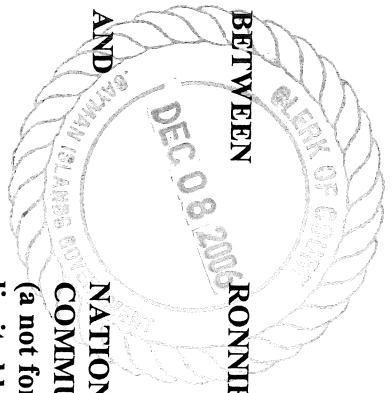
AND IN THE MATTER OF A CLAIM FOR AN INTEREST IN LAND BASED  
ON CONSTRUCTIVE TRUST AND/OR ESTOPPEL

AND IN THE MATTER OF SECTION 28(G) REGISTERED LAND LAW (2004  
REVISION)



BETWEEN      **RONNIE GEORGE EBANKS**      PLAINTIFF

AND      NATIONAL HOUSING AND  
COMMUNITY DEVELOPMENT TRUST  
(a not for profit ordinary Company  
limited by guarantee)      DEFENDANT



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**ORIGINATING SUMMONS**

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TO:      The National Housing and Community Development Trust Limited whose registered office is situated at the Ministry of Community Services, Youth, Sports and Gender Affairs and having a place of business in the Cayman Islands at Elizabethan Square, George Town, Grand Cayman, Cayman Islands.

**LET THE DEFENDANT** within 14 days after service of this Summons on him, counting the day of service, return the accompanying Acknowledgment 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, Ronnie George Ebanks of 39, Courts Road, George Town, Grand Cayman, Cayman Islands, the Plaintiff seeks the determination of the Court on the following questions and seeks the following relief:

1. A Declaration that the Plaintiff and his predecessor in title have been in adverse possession of the land registered as Block 13E, Parcel 166 in the George Town Central Registration Section of the Land Register (hereinafter the "Land") for a period in excess of 12 years next before the commencement of this action;
2. A Declaration that the Plaintiff is the owner in fee simple in possession of the Land;
3. A Declaration that the Defendant's title to the Land was prior to the commencement of this action extinguished by virtue of the Limitation Law (1996 Revision);
4. Further or in the alternative a Declaration that the Plaintiff is the owner in fee simple in equity and that the Defendant is either estopped from denying the Plaintiff's title in fee simple absolute in possession to the said Land or alternatively holds the said Land on constructive trust for the Plaintiff absolutely;
5. An Order that the Defendant do forthwith execute a transfer with title absolute of the said Land to the Plaintiff failing which an Order for rectification of the Land Register so as to show the Plaintiff's title absolute to the said Land;
5. A Declaration that at the time of the transfer of the land to the Defendant by the Governor-in-Cabinet of the Cayman Islands and at all other material times

the Plaintiff's possession of the said Land was an overriding interest within the meaning of section 28 of the Registered Land Law (2004 Revision);

7. An injunction to restrain the Defendant by his servants agents or howsoever otherwise from selling, purporting to sell or contracting to sell the Land or otherwise disposing of the same until trial of this action or further Order of the Court;
8. An injunction to restrain the Defendant by his servants agents or otherwise howsoever from entering onto the said Land or from interfering with the Plaintiff's enjoyment of the said Land and any buildings situated thereon until trial of this Action or further Order of the Court;
9. All necessary and consequential directions, accounts and enquiries;
10. Further or other relief
11. That the Plaintiff do have the costs of this Originating Summons to be taxed if not agreed;


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

Dated the 8<sup>th</sup> day of December 2006.

Filed the 8<sup>th</sup> day of December 2006.

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STENNING & ASSOCIATES  
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 service out of the jurisdiction, 6 months) beginning with that date unless renewed by order of the Court.

**IMPORTANT**

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

This **Originating Summons** was issued by **Stemming & Associates**, Attorneys-at-Law for and on behalf of the Plaintiff herein, and whose address for service is c/o his said attorneys is; 30, Southampton Gardens, Grand Cayman, Cayman Islands. Tel: (345) 3256424. (ref JS/102)

**Acknowledgement of service of originating summons (0.10, 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 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. 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.

IN THE GRAND COURT OF THE CAYMAN ISLANDS  
CAUSE NO. OF 2006.

IN THE MATTER OF LAND REGISTERED AS BLOCK 13E PARCEL 166

AND IN THE MATTER OF A CLAIM FOR A DECLARATION OF TITLE  
ACQUIRED BY ADVERSE POSSESSION AND CONSEQUENTIAL  
RECTIFICATION

AND IN THE MATTER OF A CLAIM FOR AN INTEREST IN LAND BASED  
ON CONSTRUCTIVE TRUST AND/OR ESTOPPEL

AND IN THE MATTER OF SECTION 28(g) REGISTERED LAND LAW (2004  
REVISION)

BETWEEN RONNIE GEORGE EBANKS PLAINTIFF

AND NATIONAL HOUSING AND  
COMMUNITY DEVELOPMENT TRUST  
(a not for profit ordinary Company  
limited by guarantee) 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 or otherwise participate in the proceedings (tick appropriate box)

yes

no

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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.

**STENNING & ASSOCIATES**  
ATTORNEYS-AT-LAW  
30, Southampton Gardens  
Canal Point Road  
P. O. Box 30330, SMB  
Grand Cayman  
  
Tel: (345) 3256424  
E-mail: [jstening@candw.ky](mailto:jstening@candw.ky)  
JS/102/inj

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