

IN THE GRAND COURT OF THE CAYMAN ISLANDS
CAUSE NO 551 OF 2006

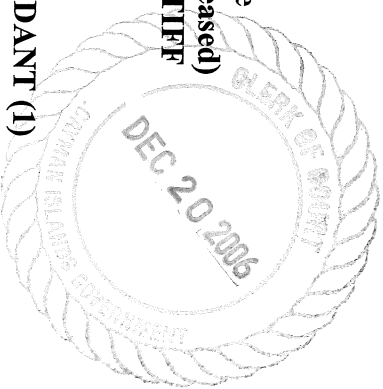
IN THE MATTER OF LAND REGISTERED AS BLOCK 108E, PARCEL 12 IN THE
CAYMAN BRAC EAST REGISTRATION SECTION

AND IN THE MATTER OF AN APPLICATION FOR THE RECTIFICATION OF THE
LAND REGISTER

AND IN THE MATTER OF AN ACTION BY THE PERSONAL REPRESENTATIVE OF
JOSEPH REYNOLD BRYAN DECEASED



BETWEEN:
VALDA MARIE McLAUGHLIN
(the Executrix and Personal Representative
of the Estate of Joseph Reynold Bryan deceased)
PLAINTIFF



AND JOYCE L. BRYAN DEFENDANT (1)
JACOB JULIAN DEFENDANT (2)
CARL JULIAN DEFENDANT (3)

ORIGINATING SUMMONS

TO: JOYCE L. BRYAN of General Delivery, Watering Place Post Office, Cayman
Brac, Cayman Islands;

AND TO: JACOB JULIAN of 16540 NW 1st Street, Pembroke Pines, Florida, USA 33028-
1437

AND TO: CARL JULIAN, PO Box 1246, George Town, Grand Cayman, Cayman Islands

LET THE DEFENDANTS, within [14 days] [28 days in respect of the second Defendant] after service of this Summons on them, 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, Valda Marie McLaughlin, the Executrix and Personal Representative of Joseph Reynold Bryan (deceased) of PO Box 11421 APO, Grand Cayman, the Plaintiff claims against the Defendants an Order of Rectification and Declaratory relief as hereinafter set out and seeks the determination of the Court on the following questions, namely:

- A. Whether in the circumstances of the case the purported transfer by the Plaintiff to the First Defendant of the land registered as Block 108E, Parcel 12 in the Cayman Brac East Registration Section (hereinafter the “Land”) dated the 1st June 2002 and registered on the Land Register on the 24th June 2002 (hereinafter the “Purported Transfer”) was, or is deemed to have been, procured by the undue influence of the First Plaintiff and others and ought to be set aside;
- B. Further or in the alternative, whether in the circumstances of the case the Purported Transfer by the Plaintiff to the First Defendant of the Land was, or is deemed to have been, an unconscionable transaction and ought to be set aside;
- C. Further or in the further alternative, whether in the circumstances of the case the Purported Transfer by the Plaintiff to the First Defendant of the Land was, or is deemed to have been, made on the basis of the unilateral mistake of the Plaintiff or that the document was not properly executed by him (*non est factum*) and ought to be set aside;
- D. Further or in the further alternative, whether in the circumstances of the case the Purported Transfer by the Plaintiff to the First Defendant of the Land was, or is deemed to have been, procured by the misrepresentation of the First Defendant or others on her behalf and ought to be set aside;

AND THE PLAINTIFF CLAIMS:

1. A Declaration that the Purported Transfer of the Land was procured by the undue influence of the First Defendant and others;
2. A Declaration that the Purported Transfer of the Land was an unconscionable bargain or transaction;
3. A Declaration that the Purported Transfer by the Plaintiff to the First Defendant of the Land was, or is deemed to have been, made on the basis of the unilateral mistake of the Plaintiff or that the document was not properly executed by him (*non est factum*);
4. A Declaration that the Purported Transfer by the Plaintiff to the First Defendant of the Land was, or is deemed to have been, procured by the misrepresentation of the First Defendant or others on her behalf;
5. An Order for Rectification of the entries in the Land Register by the vacation of the entries in the Land Register transferring title absolute to the Defendants and any of them and the restoration of title absolute in the Estate of Joseph Reynold Bryan (deceased) aforesaid.
6. Further or other relief
7. Costs

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 day of December 2006.

DIAMOND LAW ASSOCIATES

DIAMOND LAW 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 filed by DIAMOND LAW ASSOCIATES, Attorneys for the Plaintiff, whose address for service is 4th Floor, Cardinal Plaza, Cardinal Avenue, PO Box 2887 GT, Grand Cayman, Cayman Islands, Tel: 769-9352, Fax: 769-4352, E-mail: info@dlaw.ky, (Ref DLA/SW).

Acknowledgement of service of originating summons (0.12, r.9)

**DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE
OF ORIGINATING SUMMONS**

1. 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.

2. A Defendant who states in his Acknowledgment of Service that he intends to contest the proceedings must also serve a defence on the Attorney for the Plaintiff (or on the Plaintiff if acting in person).

The Defence must be served within 14 days after the time for acknowledging service of the Writ, unless in the meantime a summons for judgment is served on the Defendant.

If the Defendant fails to serve his defence within the appropriate time, the Plaintiff may enter judgment against him without further notice.

3. A Stay of Execution against the Defendant's goods may be applied for where the Defendant is unable to pay the money for which any judgment is entered. If a Defendant to an action for a debt or liquidated demand (i.e. a fixed sum) who does not intend to contest the proceedings states, in answer to Question 3 in the Acknowledgment of Service, that he intends to apply for a stay, execution will be stayed for 14 days after his Acknowledgment, but he must, within that time, issue a Summons for a stay of execution, supported by an affidavit of his means. The affidavit should state any offer which the Defendant desires to make for payment of the money by instalments or otherwise.

See over for notes for guidance

Please complete overleaf

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.

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BETWEEN: VALDA MARIE McLAUGHLIN
(the Executrix and Personal Representative
of the Estate of Joseph Reynold Bryan deceased)
PLAINTIFF

AND JOYCEL L. BRYAN DEFENDANT (1)
JACOB JULIAN DEFENDANT (2)
CARL JULIAN DEFENDANT (3)

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.

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 Originating Summons is being acknowledged.

2. State whether the Defendant intends to contest 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 Originating Summons is acknowledged accordingly

(Signed).....

Attorney for

Please complete overleaf

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 or 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.

DIAMOND/LAW ASSOCIATES

Attorneys for the Plaintiff, whose address for service is 4th Floor, Cardinal Plaza, Cardinal Avenue, PO Box 2887 GT, Grand Cayman, Cayman Islands, Tel: 769-9352, Fax: 769-4352, E-mail: info@dla.ky, (RefDLA/SW).

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

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