

No. 53

Application for Leave to Apply for Judicial Review (0.53, r.3)

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 41 OF 2007

BETWEEN: JAMES TERJESEN

PLAINTIFF

AND: HIS EXCELLENCY THE GOVERNOR OF THE
CAYMAN ISLANDS

DEFENDANT

AND: THE FINANCIAL SECRETARY OF THE
CAYMAN ISLANDS

DEFENDANT

APPLICATION FOR LEAVE TO APPLY FOR JUDICIAL REVIEW



To the Clerk of the Court, Law Courts, George Town, Grand Cayman	
Name, address and description of applicant(s)	James Terjesen, 248 West 35 th Street, New York, New York 10001 U.S.A.
Judgment, order, decision or other proceeding in respect of which relief is sought	Decision(s) of His Excellency the Governor in Cabinet made on 01 November 2006 (and 04 August 2006)
<p style="text-align: center;">Relief Sought</p> <p style="text-align: center;">A declaration that the decision is void and an order directing the Financial Secretary to transfer Registration Section Little Cayman East, Block 89A, Parcel 18 to the Plaintiff</p>	
Name and address of applicant's attorneys, or, if no attorneys acting, the address for service of the applicant	C.S. Gill & Co., 13 Genesis Close, 4 th Floor, Genesis Building, George Town, Grand Cayman KY1-1102
Signed: <u>C.S. Gill & Co.</u> C.S. Gill & Co.	Dated 30 th January 2007

GROUND ON WHICH RELIEF IS SOUGHT

1. The grounds on which relief is sought are outlined below:

(1) The Plaintiff is an individual residing in the State of New York, one of the United States of America, and has a mailing address of 248 West 35th Street, New York, New York, 10001, U.S.A.

(2) By a Transfer of Land, registered on 25 June 1981, a company called Palmaire Development Ltd. (hereinafter the "Company") became the registered proprietor, with private title absolute, of Registration Section Little Cayman, Block 89A, Parcel 18 (the "Land").

(3) On and after 07 December 1989, the Plaintiff became the sole beneficial owner of the Company and remained the sole beneficial owner thereafter.

(4) Due to the Plaintiff's inadvertence in not paying the annual fees due to the Cayman Islands Government, the Company was struck from the register on 30 September 1991.

(5) The land was vested in the Defendant, The Financial Secretary of the Cayman Islands (hereinafter "Financial Secretary"), by an instrument dated 16 May 2006.

(6) On 25th May 2006, the Plaintiff's attorneys-at-law, Messrs. C.S. Gill & Co. wrote to the Financial Secretary, attaching an affidavit sworn 17 May 2006, requesting a transfer of the Land to the Plaintiff and stating that the Plaintiff was prepared to pay the appropriate amount for compensation to the Cayman Islands Government.

(7) By a letter dated 04 August 2006, the Financial Secretary informed the Plaintiff that the Governor-in Council had considered the application and that the application was denied.

(8) The Plaintiff requested that the Governor-in-Council reconsider the matter. By a letter dated 01 November 2006, the Plaintiff was informed by the Honourable Attorney General of the Cayman Islands that the application was reconsidered and again denied.

(9) The aforementioned decision of 01 November 2006 (and the decision of 04 August 2006) were and are absurd (unreasonable) and illegal.

2. The Plaintiff seeks a declaration that the decision(s) are void.

3. The Plaintiff seeks a mandatory order directing the Financial Secretary to transfer the Land to the Plaintiff with the result that the Plaintiff be the sole proprietor with private title absolute.

4. The Plaintiff has always been, and remains ready, to pay the appropriate monetary compensation to the Government of the Cayman Islands equal to the annual fees which the Government lost because the registration of the Company was not maintained and any appropriate penalty.