

IN THE GRAND COURT OF THE CAYMAN ISLANDS

97  
CAUSE NO. OF 2007

IN THE MATTER OF THE REGISTERED LAND LAW (2004 REVISION)

BETWEEN:

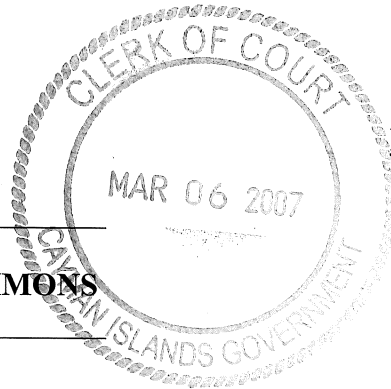
BANK AUSTRIA CAYMAN ISLANDS LTD

Plaintiff

-AND-

COLIN LUKE

Defendant



ORIGINATING SUMMONS

TO: Colin Luke  
P.O. Box 385 GT  
George Town,  
Grand Cayman

LET THE DEFENDANT of the address set out above attend before the Judge in Chambers, at the Law Courts, George Town, Grand Cayman on the day of 2007 at am/pm for the hearing of an application by the Plaintiff for the following orders:

1. A declaration that the Defendant is in default of payment of the principle sum payable to the Plaintiff and secured by the second legal charge over the property known as West Bay Beach South 12C Parcel 3049 (the "Property"). The second legal charge being registered against the Property on the 20<sup>th</sup> of July 2000 (instrument number 3808/00) in the principal sum of US\$ 600,000 and at interest at the rate as specified in the charge and in the schedules thereto ("Second Charge").
2. Delivery by the Defendant to the Plaintiff possession of the Property (pursuant to clause 8.1(c) of the Second Charge.
3. An order that the Second Charge be enforced by the sale of the Property by private treaty (pursuant to clause 8.1(b) of the Second Charge).
4. An order determining the terms and conditions of sale by private treaty, if any.

5. Such further or other relief as the Court thinks fit.
6. An Order that the costs of the Plaintiff be paid on an indemnity basis pursuant to clause 12 of the Second Charge.

AND LET THE DEFENDANT within 14 days after service (Within 28 days of service if served out of the jurisdiction) of this summons on them counting the day of service, return the accompanying acknowledgment of service to the Courts Office.

Dated: March 6, 2007

BROADHURST BARRISTERS  
**Broadhurst Barristers**  
Attorneys-at-Law for the Plaintiff

- NOTE:
1. This Summons may not be served later than 4 calendar months beginning with the above date unless renewed by order of the Court.
  2. If the Defendant does not attend personally or by their attorney at the time and place above mentioned such order will be made as the Court may think just and expedient

### IMPORTANT

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

This Originating Summons was filed by Broadhurst Barristers, Attorneys-at-Law for the Plaintiff, whose address for service is 40 Linwood Street, P.O. Box 2503 GT, George Town, Grand Cayman, Cayman Islands, B.W.I.

**DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE 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 authorized 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.

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CAUSE NO. <sup>97</sup> OF 2007

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BETWEEN:

BANK AUSTRIA CAYMAN ISLANDS LTD

Plaintiff

-AND-

COLIN LUKE

Defendant

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**ACKNOWLEDGEMENT OF SERVICE  
OF ORIGINATING SUMMONS**

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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]

*Please see overleaf.....*

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 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.*

Broadhurst Barristers  
Attorneys-at-Law for the Plaintiff  
40 Linwood Street  
P.O. Box 2503 GT  
George Town  
Grand Cayman  
Cayman Islands, B.W.I.

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

[Empty box for Defendant's Attorney endorsement]