

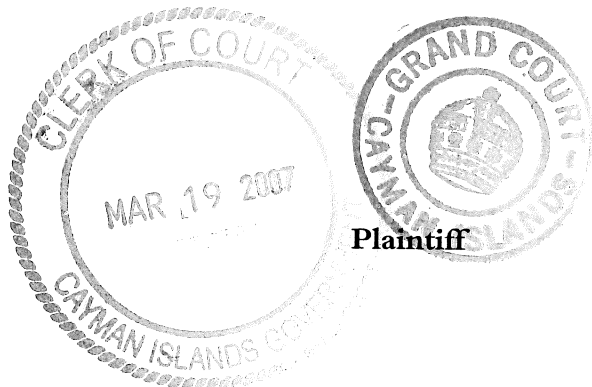
IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 118 OF 2007

IN THE MATTER OF THE STRATA TITLES REGISTRATION LAW (2005 REVISION)

BETWEEN:

HALCYON PROPERTIES LTD.



AND

THE PROPRIETORS, STRATA PLAN NO. 251

Defendant

ORIGINATING SUMMONS

TO: The Proprietors, Strata Plan No. 251
P.O. Box 30198
Grand Cayman KY1-1201
CAYMAN ISLANDS

LET THE DEFENDANT, within 14 days after service of this Summons on it, counting the day of service, return the accompanying Acknowledgement of Service to the Courts office, P.O. Box 495, KY1-1106, George Town, Grand Cayman.

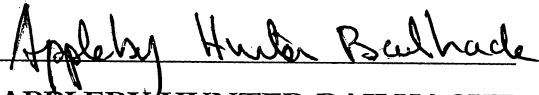
By this Summons, which is issued on the application of Halcyon Properties Ltd. of P.O. Box 1350, Grand Cayman KY1-1108, Cayman Islands, the Plaintiff claims against the Defendant the following relief:

1. A declaration that the Defendant (by its executive committee) has acted *ultra vires* and contrary to its by-laws in purportedly determining (a) that it will no longer consider granting any consent for pets to be kept pursuant to requests made under article 40(x) of the Defendant's by-laws, and (b) that the Defendant will become a "pet-free" strata development;
2. An Order that the Defendant's purported decisions (a) dated 31 January 2007 to refuse to exercise its discretion to grant consent to a request made under article 40(x) of the Defendant's by-laws, and (b) dated 11 February 2007 to make the strata "pet-free" are *ultra vires*, invalid and unenforceable;
3. A declaration that the Executive Committee of the Defendant has a legal obligation to properly exercise its discretion in considering whether a specific pet is or will be permitted to be kept in a strata lot;
4. A declaration that the Defendant has breached its duty to control, manage and administrate the common property for the benefit of all the proprietors as required by article 41 of the Defendant's by-laws by its refusal to properly exercise discretion or, alternatively, its refusal to exercise any discretion in the consideration of pets being kept in a strata lot;
5. A declaration that the Executive Committee of the Defendant has improperly exercised its discretion or, alternatively, improperly failed to exercise its discretion in considering whether a pet would be permitted by a prospective purchaser of the Plaintiff's strata lot;
6. A declaration that the Executive Committee of the Defendant has improperly refused to exercise its discretion in considering whether (a) pets generally or (b)

- a specific pet can be maintained at the strata development;
7. An injunction restraining the Defendant from removing pets presently maintained by an owner or lawful occupant of the strata;
 8. Such further or other relief as this Court deems appropriate; and,
 9. An Order that the Defendant pay the Plaintiff's costs of this proceeding.

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 16th day of March 2007


APPLEBY HUNTER BAILHACHE

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 Acknowledgement of Service are given with the accompanying form.

THIS ORIGINATING SUMMONS was issued by Appleby Hunter Bailhache of Clifton House, 75 Fort Street, P.O. Box 190 GT, Grand Cayman, Cayman Islands, Attorneys-at-Law for the Plaintiff. [Ref: WS/50066.020]

**DIRECTIONS FOR ACKNOWLEDGEMENT OF SERVICE
OF ORIGINATING SUMMONS**

The accompanying form of Acknowledgement 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 495 GT, George Town, Grand Cayman.

Notes for Guidance

1. Each Defendant (if there are more than one) is required to complete an Acknowledgement 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: ¹¹⁸ OF 2007

IN THE MATTER OF THE STRATA TITLES REGISTRATION LAW (2005 REVISION)

B E T W E E N:

HALCYON PROPERTIES LTD.

Plaintiff

AND

THE PROPRIETORS, STRATA PLAN NO. 251

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.

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

Date:

2007

[]

Attorneys for [Defendant]

Address for service:

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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.

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

Appleby Hunter Bailhache
Attorneys-at-Law
Clifton House
75 Fort Street
P.O. Box 190 GT
George Town
Grand Cayman
Ref: (WS/12118.001)

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