

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 154 OF 2007

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

B E T W E E N:

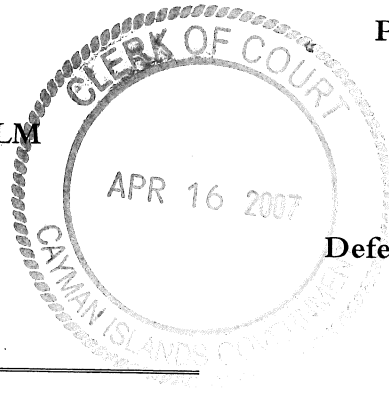
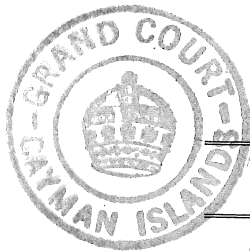
SCOTIABANK & TRUST (CAYMAN) LTD.

Plaintiff

AND

1. ROLIN ANDREW CHISHOLM
2. DENISE CHISHOLM

Defendants



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**ORIGINATING SUMMONS**

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TO: Rolin Andrew Chisholm & Denise Chisholm of PO Box 204, Grand Cayman, KY1-1701, Cayman Islands, Chargors under the legal charge hereinafter mentioned.

LET THE DEFENDANTS 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 \_\_\_\_ o'clock on the hearing of an application by the Plaintiff of PO Box 689, Grand Cayman, KY1-1107, Cayman Islands for the following orders:

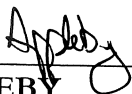
1. That a declaration be made that the Defendants are in default of payment of the principal sum payable under the following:
  - First Charge registered on 19 October 1998 and shown by instrument #9212/98;
  - Varied on 21 July 2000 and shown by instrument #5624/00;

made between the Defendants and the Plaintiff, Scotiabank & Trust (Cayman) Ltd. (the "**Charge**"), by virtue of which the property in the Registration Section **Prospect, Block 22D, Parcel 195** (the "**Property**") was charged by the Defendants by way of legal charge in favour of the Plaintiff to secure the principal sum of CI\$220,000 and interest at the rate specified in the schedules thereto.

2. That delivery by the Defendants to the Plaintiff of possession of the Property.
3. That the Charge be enforced by the sale by private treaty of the Property (as well as by Public Auction).
4. That the terms and conditions of sale by private treaty be determined, if any.
5. That leave be granted to issue a Writ of Possession with respect to the Property.
6. That good and sufficient substituted service of this Originating Summons and the First Affidavit of Tanya Chapman and all further pleadings in this action (the "**Pleadings**") on the Second Defendant, Denise Chisholm, shall be deemed to be made by:
  - a. the personal service of the Pleadings on the First Defendant, Rolin Andrew Chisholm, who is the joint proprietor of the Property; and/or
  - b. the posting of the Pleadings in one issue of the Caymanian Compass.
7. If necessary, that leave be granted to serve the Second Defendant out of the jurisdiction.
8. Such further or other relief as the Court thinks fit.
9. Costs.

**AND LET THE DEFENDANTS** within 14 days after service of this summons on them counting the day of service, return the accompanying Acknowledgement of Service to the Courts office.

Dated: 10 April 2007

  
 \_\_\_\_\_  
**APPLEBY**  
 Attorneys for the Plaintiff

- NOTES:**
1. 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 the above date unless renewed by order of the Court.

2. If the Defendants do 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 issued by Appleby, Attorneys-at-Law, for and on behalf of the Plaintiff whose address for service is Clifton House, 75 Fort Street, PO Box 190, Grand Cayman, KY1-1104, Cayman Islands (ref: CJJ/10187.065)

## DIRECTIONS FOR ACKNOWLEDGMENT 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, PO Box 495, Grand Cayman, KY1-1106, Cayman Islands.

### 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, an Originating Summons 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.

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- 2. DENISE CHISHOLM

Defendants

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ACKNOWLEDGMENT 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]

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.

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

<p>Appleby Clifton House 75 Fort Street PO Box 190 Grand Cayman KY1-1104 CAYMAN ISLANDS</p> <p>Ref: CJJ/10187.065</p>
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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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