

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 214 OF 2007

BETWEEN:

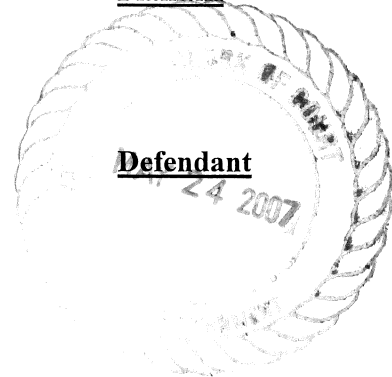
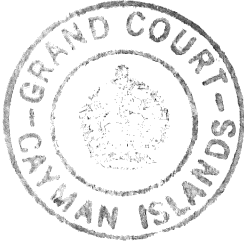
GUSTAV SCHRADER

Plaintiff

AND:

WAYNE PUFF

Defendant



WRIT OF SUMMONS

To: Mr. Wayne Puff, 18 Wiley St. Avenue, New Jersey, 07071, U.S.A.

**THIS WRIT OF SUMMONS** has been issued against you by the above-named Plaintiff in respect of the claim set out on the next page.

Within 14 days after service of this Writ on you, counting the day of service, you must either satisfy the claim or return to the Court office, PO Box 495, George Town, Grand Cayman KY1-1106, the accompanying Acknowledgement of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgement within the time stated, or if you return the Acknowledgement without stating therein an intention to contest the proceedings, the Plaintiff may proceed with the action and judgment may be entered against you forthwith without further notice.

**ISSUED** this 24 day of May 2007.

**NOTE** – this Writ may not be served later than 4 calendar months beginning with the date of issue unless renewed by order of the Court.

**IMPORTANT**

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

## STATEMENT OF CLAIM

1. The Plaintiff is an American citizen and a Cayman status holder.
2. The Defendant is an American citizen who resides in the United States of America;
3. The Plaintiff is the beneficial owner of a company called Tropical Holdings Ltd. ("Tropical") which company was registered as the Proprietor of Unit #40 Lacovia, West Bay Beach, Grand Cayman (the "Condo"). The Condo was the sole asset of Tropical.
4. By an Agreement in writing, Tropical agreed to sell #40 Lacovia at an agreed price of US\$450,000.00 to the Defendant.
5. In accordance with the agreement, Tropical executed a Transfer of Land form RL1 and transferred the title to the property to the Defendant. The carriage of sale was dealt with by Myers & Alberga, Attorneys-at-Law for and on behalf of Tropical. Myers & Alberga also managed Tropical for and on behalf of the Plaintiff.
6. The Defendant is now the Registered Proprietor of #40 Lacovia and was registered as such on 3 July 2002.
7. Tropical has been "struck off" the Register of Cayman Islands companies. The records relating to the formation and operation of Tropical were lost in Hurricane Ivan and hence reinstatement of the Company has not been possible.
8. The Plaintiff has not been paid the purchase price of US\$450,000.00 or any sums of money at all and accordingly, the Plaintiff is entitled to treat the Defendant's failure to complete as a repudiation of the Agreement.
9. By an affidavit sworn to on 22 March 2007, the Defendant has admitted the breach of contract and additional sums of money which he has not paid in attorney fees, closing costs and taxes associated with the transaction.
10. The Plaintiff has discharged all sums owed in connection with the transaction, including (until very recently) the strata fees.
11. Accordingly, the Plaintiff and Tropical are discharged from any obligations under the Agreement and the Plaintiff as beneficial owner of Tropical is entitled to have the property transferred to him

### AND THE PLAINTIFF CLAIMS:-

- (1) That he and Tropical be and are discharged from further performance of the Agreement;
- (2) A declaration that he is entitled to retain the deposit paid by the Defendant;
- (3) Further or other relief;

(4) That a Transfer of Land in form RL1 be signed by the Defendant transferring Title to registration section West Bay Beach South, Block 12E, Parcel 54 H 40 to the Plaintiff and failing execution of a Transfer of Land form RL1 by the Defendant that the Court do empower and authorize the Clerk of Court to execute such Transfer of Land form RL1 on such terms as it deems fit;

(5) Damages;

(6) Costs.

  
TRUMAN BODDEN & COMPANY  
~~For and on behalf of the Plaintiffs~~

**DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE  
OF WRIT OF 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 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 acknowledgement of service.
3. For the purpose of calculating the period of 28 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 named stated on the Writ of 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. of 2007

BETWEEN: GUSTAV SCHRADER PLAINTIFF

AND: WAYNE PUFF DEFENDANT

ACKNOWLEDGMENT OF SERVICE OF WRIT OF 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 Writ of Summons is being acknowledged.

2. State whether the Defendant intends to contest or otherwise participate in 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 Writ of 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.*

Truman Bodden & Company  
PO Box 866  
Anderson Square Building  
George Town  
Grand Cayman KY1-1103  
Ref: PSB/1173-0002

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

[Empty box for defendant's attorney indorsement]