

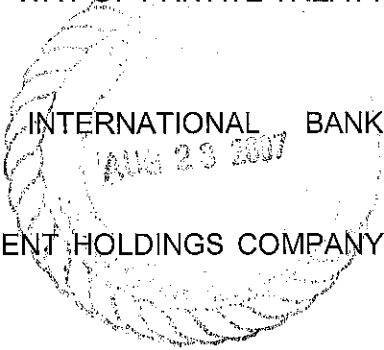
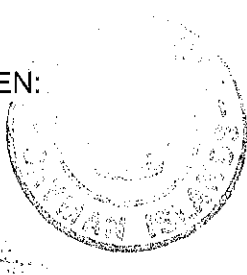
IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 378 OF 2007

IN THE MATTER OF SECTIONS 75 AND 77 OF THE REGISTERED LAND LAW (2004 REVISION)

AND IN THE MATTER OF: AN APPLICATION BY FIRSTCARIBBEAN INTERNATIONAL BANK (CAYMAN) LIMITED AS CHARGEES OVER CERTAIN PROPERTY FOR AN ORDER DIRECTING THAT IT BE PERMITTED TO SELL THE PROPERTY BY WAY OF PRIVATE TREATY

| | | |
|----------|---|-----------|
| BETWEEN: | FIRSTCARIBBEAN INTERNATIONAL BANK (CAYMAN) LIMITED | PLAINTIFF |
| AND: | ALPHA DEVELOPMENT HOLDINGS COMPANY LTD | DEFENDANT |



ORIGINATING SUMMONS

LET THE DEFENDANT 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 for orders that:

1. This Honourable Court sanction the variation/addition of section 75 of the Registered Land Law (2004 Revision) thereby permitting the Plaintiff to rely upon the terms contained in the charge executed by the Defendant in favour of the Plaintiff dated 28 October 1997 and registered in the Land Registry on 4 December 1997 ("**the Charge**") over the property registered as North Side, Block 53A, Parcel 47 ("**the Property**") including the power contained in clause [(j)(iii)] being the power to sell by private treaty;
2. The Plaintiff be permitted to foreclose and enter into possession of the Property in accordance with the power contained in clause [(j)(ii)] of the Charge;
3. That the Property be listed for sale and sold for a sum being the average of two independent valuations of the Property;

4. That after a sufficient time has passed in which the Property has been marketed without a sale having occurred, the Plaintiff be at liberty to apply to vary this Order by reducing the sale price for the Property; and
5. The Plaintiff be awarded the costs of this Originating Summons from the proceeds of sale of the Property.

AND LET THE DEFENDANT within 14 days after service of this summons on them counting the day of service, return the accompanying Acknowledgement of Service form to the Courts Office, PO Box 495GT, George Town, Grand Cayman, KY1-1106.

DATED the day of 2007



WALKERS
Attorneys at Law for the Plaintiff

NOTE - This Summons may not be served later than 4 calendar months beginning with the above date unless renewed by order of the Court.

If the defendant does not attend personally or by his attorney at the time and place above-mentioned such order will be made as the Court may think just and expedient.

IMPORTANT

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

To: The Clerk of the Court

AND TO: Alpha Development Holdings Company, PO Box 75, North Side House, North Side Road, Grand Cayman KY1-1701

TIME ESTIMATE: The length of the hearing of this Originating Summons is estimated at 30 minutes.

This Originating Summons is issued by Walkers, Attorneys at Law, Walker House, 87 Mary Street, George Town, Grand Cayman, KY1-9001, Cayman Islands for the Plaintiff whose address for service is care of their said Attorneys at Law.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

378
CAUSE NO: OF 2007

IN THE MATTER OF SECTIONS 75 AND 77 OF THE REGISTERED LAND LAW (2004 REVISION)

AND IN THE MATTER OF: AN APPLICATION BY FIRSTCARIBBEAN INTERNATIONAL BANK (CAYMAN) LIMITED AS CHARGEES OVER CERTAIN CHARGED PROPERTY FOR AN ORDER DIRECTING THAT THE PLAINTIFF BE PERMITTED TO SELL THE PROPERTY BY WAY OF PRIVATE TREATY

BETWEEN: FIRSTCARIBBEAN INTERNATIONAL BANK PLAINTIFF
(CAYMAN) LIMITED

AND: ALPHA DEVELOPMENT HOLDINGS COMPANY DEFENDANT

**ACKNOWLEDGEMENT 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.



Walkers

Attorneys-at-Law for the Defendant

Address for service: Walker House
87 Mary Street,
George Town,
Grand Cayman, KY1-9001

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.

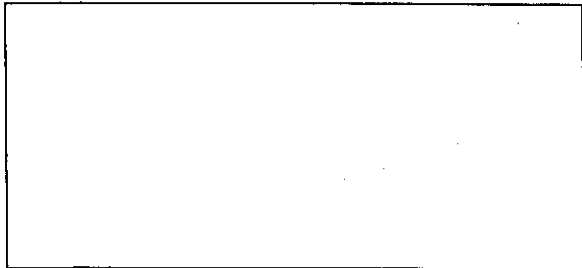
Please complete overleaf

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

Walkers
Attorneys at Law
Walker House
87 Mary Street
George Town
Grand Cayman KY1-9001

Ref: DMM/F1757-53504

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



DIRECTIONS FOR ACKNOWLEDGMENT 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, PO Box 495GT, George Town, Grand Cayman, KY1-1106.

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 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.