

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. <sup>0630</sup> OF 2007

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

AND

IN THE MATTER OF LEASE MADE ON 7 APRIL 2005

AND

IN THE MATTER OF AN APPLICATION FOR DAMAGES

BETWEEN:

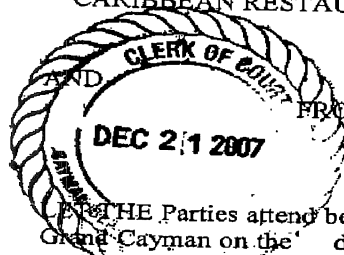
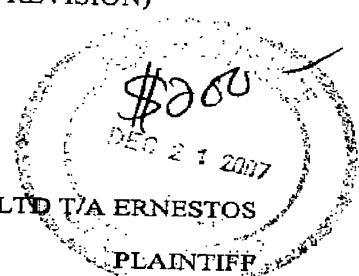
CARIBBEAN RESTAURANT LTD./RINCON CABANITO LTD T/A ERNESTOS  
RESTAURANT AND BAR

FRONTLINE CAPITAL LTD.

ORIGINATING SUMMONS

THE Parties attend before the Judge in chambers, at the Law Court  
Grand Cayman on the day of 2007, at o'clock  
application by the Applicant's Attorney for an Order in the following terms:

1. A declaration that the Defendant whether by itself or by its servants or agents or howsoever otherwise unlawfully and in breach of the contract terminated the Lease Agreement made between the Plaintiff and the Defendant dated 7 April 2005 (the "Lease") prior to the termination of the said term by effluxion of time;
2. A declaration that the Defendant whether by his servants, agents or howsoever otherwise forcibly ejected the Plaintiff from, or prevented the Plaintiff having access to premises situated at and known as "Ernestos" at Unit 19, The Strand (Block 12C Parcel 350H19) (the "Premises").
3. A declaration that the Defendant whether by its servants, agents or howsoever otherwise repeatedly breached the Landlord's covenant of, and the Plaintiff's right to, quiet enjoyment of the Leased Premises and forcibly ejected the Plaintiff from, or prevented the Plaintiff from having access to (which involved the changing of locks, the turning off of the water supply to the Premises or howsoever otherwise) the Leased Premises.
4. A declaration that notwithstanding the repeated interference with the Defendant's business the Plaintiff did not vacate the premises and at the material times was in occupation of the Leased premises.
5. A declaration that the forfeiture of the Lease by the Defendant whether by its servants, agents or howsoever otherwise was in breach in breach of section 55(b) of the Registered Land Law (2004 revision).





**Acknowledgement of service of originating summons (0.10, r.5)**

**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, 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 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 ISLAND  
HOLDEN AT GEORGE TOWN, GRAND CAYMAN

CAUSE NO. ~~630~~ OF 2008

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

AND

IN THE MATTER OF LEASE MADE ON 7 APRIL 2005

AND

IN THE MATTER OF AN APPLICATION FOR DAMAGES

BETWEEN:

CARIBBEAN RESTAURANT LTD./RINCON CABANITO LTD T/A ERNESTOS  
RESTAURANT AND BAR

PLAINTIFF

AND

FRONTLINE CAPITAL LTD.

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.

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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:

*Please complete overleaf*

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.*

C. H. Allen  
Clyde H. Allen, Chambers  
Cayman Islands Attorney-At-Law  
PO Box 31076SMB  
KYI-1205  
Grand Cayman  
Cayman Islands

*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]