

IN THE GRAND COURT OF THE CAYMAN ISLANDS

38
CAUSE NO: OF 2009

IN THE MATTER OF THE REGISTERED LAND LAW (2004 REVISION)
AND IN THE MATTER OF THE COMPANIES LAW (2007 REVISION)
AND IN THE MATTER OF GCR ORDER 5 RULE 4

B E T W E E N:

BEACH BAY LAND LTD.

AND

STELLA CAPITAL LIMITED

Plaintiff

Defendant

ORIGINATING SUMMONS

LET THE DEFENDANT, of P.O. Box 10335 Grand Cayman KY1-1003 Cayman Islands attend before the Judge in Chambers, at the Law Courts, George Town, Grand Cayman on the day of 2009 at o'clock on the hearing of an application by the Plaintiff of P.O. Box 1350 Grand Cayman KY1-1108 Cayman Islands for orders that:

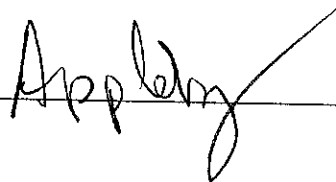
1. There is a genuine dispute as to whether the sum demanded in a Statutory Demand dated 2 January 2009 served by the Defendant on the Plaintiff is due as of the date of the demand;

2. The Statutory Demand dated 2 January 2009 served by the Defendant on the Plaintiff be set aside as there is a genuine dispute as to whether the sum demanded is due;
3. The Notice of Default pursuant to ss 72-75 of the Registered Land Law served by the Defendant on the Plaintiff be set aside.
4. Costs for this application.

The grounds upon which the Plaintiff claims to be entitled to the order set out above are set out in the Affidavit of Ryan Melkonian sworn 23 January 2009.

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

Dated the 23 day of January 2009



APPLEBY

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 a 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 Acknowledgement of Service are given with the accompanying form.

THIS ORIGINATING SUMMONS was issued by Appleby of Clifton House, 75 Fort Street, PO Box 190, Grand Cayman KY1-1104, Cayman Islands (Ref. WS/16909.003), Attorneys-at Law for the Plaintiff, whose registered office address is in care of Appleby Trust (Cayman) Limited of P.O. Box 1350, Grand Cayman.

**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, PO Box 495 GT, George Town, Grand Cayman KY1-1104.

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.

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B E T W E E N:

BEACH BAY LAND LTD.

Plaintiff

AND

STELLA CAPITAL LIMITED

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:

Attorneys for [Defendant]

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 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
Attorneys-at-Law
Clifton House
75 Fort Street
PO Box 190
Grand Cayman KY1-1104
WS/

Endorsement 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 endorsement]