

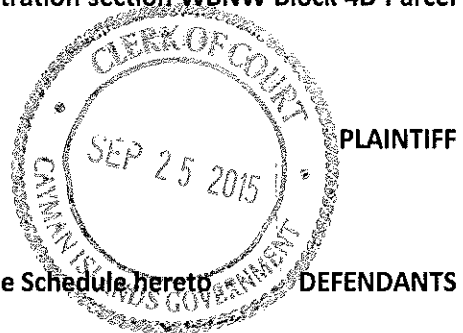
IN THE GRAND COURT OF THE CAYMAN ISLANDS

00165
CAUSE NO: OF 2015

In the Matter of section 9 of the Strata Titles Registration Law (2013 Revision)

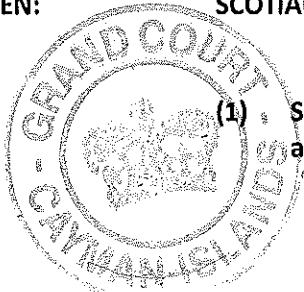
And in the matter of The Proprietors of Strata Plan no. 618 (Registration section WBNW Block 4D Parcel 384) (known as "Scholar's Retreat")

BETWEEN: SCOTIABANK & TRUST (CAYMAN) LTD.



PLAINTIFF

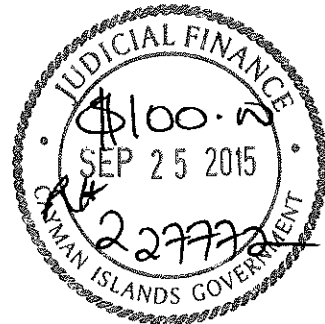
AND: (1) SCHOLARS RETREAT LTD.



and the other persons set out in the Schedule hereto DEFENDANTS

ORIGINATING SUMMONS

TO: Scholars Retreat Ltd.
OF: Cayman International Corporate & Marine Services Ltd
PO Box 822
2nd Floor, Jack & Jill Building
19 Fort Street
George Town
Grand Cayman KY1-1103



LET THE DEFENDANTS, within 14 days after service of this Summons on them, counting the day of service, return the accompanying Acknowledgment of Service to the Courts Office, 3rd Floor, Kirk House, P.O. Box 495, George Town, Grand Cayman KY1-1106.

By this Summons, which is issued on the application of Scotiabank & Trust (Cayman) Ltd of Scotia Centre, Cardinal Avenue, PO Box 501, George Town, Grand Cayman KY1-1106, the Plaintiff claims against the Defendants the following relief and seeks the following declarations and directions, namely:

- 1 The appointment of Stewart Connelly and Simon Watson of Charterland Ltd (the "Administrators") as joint administrators of Scholar's Retreat, pursuant to section 9 of the Strata Titles Registration Law (2013 Revision)(the "Law") for an initial period of 12 months which term shall be renewed automatically every 6 months thereafter, unless and until the Administrators

are discharged by this honourable Court on the application of the Administrators or some other person with an interest in a strata lot at Scholar's Retreat.

2 Declarations:

2.1 Subject to Paragraph 2.2 below, that the byelaws registered by the Registrar of Lands on 30 July 2014 be expunged and that the byelaws effective as at 22 April 2010 be reinstated to the record (the "2010 Bylaws").

2.2 The following schedule shall be added to the 2010 Bylaws in accordance with section 17(b)(i) of the Law, and the Phased Strata Plan filed at the Land Registry on 30 July 2014:

SCHEDULE 2

BUILDING B

Strata lot no. Building B	Apartment no.	Area in sq. ft.	Unit entitlement	Block & Parcel nos.
9	9	1,392	1,392	4D 384 H9
10	10	1,170	1,170	4D 384 H10
11	11	1,170	1,170	4D 384 H11
12	12	1,170	1,170	4D 384 H12
13	13	1,170	1,170	4D 384 H13
14	14	1,170	1,170	4D 384 H14
15	15	1,170	1,170	4D 384 H15
16	16	1,392	1,392	4D 384 H16

3 Directions:

3.1 The provisions of GCR Order 30 rule 2 shall not apply and the Administrators shall not be required to provide security for their appointment.

3.2 Provision shall be made for the remuneration of the Administrators pursuant to GCR Order 30 rule 3 and that remuneration shall be treated as an administrative expense in accordance with section 6(2) of the Law.

THIS ORIGINATING SUMMONS is issued by Campbells, attorneys for the Plaintiff, whose address for service is Floor 4 Willow House, George Town, Grand Cayman (Ref: JRM/KAH/lc/13456-23414)

- 3.3 The Administrators shall submit accounts to the Court not later than 6 months from the date of the order made on this summons, and thereafter every 6 months. The Administrators' accounts shall be made available to the proprietors of the units at Scholar's Retreat within 7 business days of being filed at Court.
- 3.4 The Administrators shall, to the exclusion of the Strata Corporation of Scholar's Retreat, have the duties and powers of the corporation set out in section 6 of the Law and may delegate those powers in their sole discretion, in particular to Charterland Ltd, which shall act as property managers for Scholar's Retreat and whose fees shall be treated as an administrative expense in accordance with section 6(2) of the Law.
- 3.5 The Administrators may act jointly or severally.
- 3.6 Provided always that:
- (a) The Administrators shall not be bound by any resolution of the Steering Committee and
 - (b) there are sufficient proprietors willing to serve
- the Administrators shall as soon as reasonably practicable, appoint a "Steering Committee" of not less than 3 and not more than 5 proprietors of the units at Scholar's Retreat. If there are less than 3 proprietors willing to serve, the requirement to appoint a steering committee shall not take effect until there are.
- 3.7 The steering committee shall have the following rights and powers:
- (a) The Administrators shall report to the members of the steering committee all such matters as appear to them to be, or as the members have indicated to him as being of concern to them with respect to the conduct of the management of Scholar's Retreat by the Administrators.
 - (b) The Administrators need not comply with a request for information where it appears to them that –

- (i) the request is frivolous or unreasonable;
 - (ii) the cost of complying would be excessive, having regard to the relative importance of the information; or
 - (iii) there are insufficient resources to enable him to comply.
- (c) The Administrators shall communicate information to members of the steering committee in whatever way may be agreed between them, including –
- (i) orally by telephone;
 - (ii) in writing, transmitted by facsimile or e-mail; or
 - (iii) by accessing a website.
- (d) The Administrators shall provide each member of the steering committee with a written report and accounts and convene a first meeting within 6 months of the committee's establishment and thereafter he shall convene a meeting –
- (i) if so requested in writing by any two members of the committee; and
 - (ii) in any event, not less than once every six months.
- (e) A "meeting" of the steering committee may take the form of a physical meeting at the Administrators' office, in which case at least 7 days' notice of the meeting must be given by email to each member of the steering committee and any member who cannot attend in person must be allowed to participate by telephone. A quorum shall be constituted by one of the Administrators or their duly appointed representative, and at least 2 members of the steering committee.

- (f) The Administrators shall prepare an agenda for each meeting including –
 - (i) all the matters which the Administrators intend to put before the meeting; and
 - (ii) any matter which a committee-member intends to put before the meeting.
- (g) The Administrators, or either of them, or a duly appointed representative, shall attend every meeting of the steering committee, one of those persons shall be the chairman of each meeting and they shall be responsible for taking the minutes of the meeting, a draft of which shall be prepared and circulated to all the members within 14 days after the meeting.
- (h) A proprietor's membership of the steering committee is automatically terminated if he ceases to be a proprietor by reason of the fact that –
 - (i) his unit has been transferred to a third party(ies) or
 - (ii) his mortgage is in default, and his mortgagee has commenced proceedings under the Registered Land Law (2004 Revision) to sell the property as mortgagee in possession, in which case his mortgagee may appoint a nominee to take the place of the proprietor on the steering committee.
- (i) Any person's membership of the steering committee is automatically terminated if he (or his representative) fails to attend three successive committee meetings either in person or by telephone.
- (j) Any member of the steering committee may be removed by a resolution passed at a meeting of which the member in question has been given at least 7 days' prior notice (referred to in this Rule as a "removal resolution").

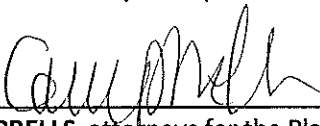
(k) Each committee member shall have one vote and a resolution is passed when a majority of members present or represented (either in person or by telephone) have voted in favour of it.

4 Such further or other orders and directions as this honourable court thinks fit.

5 That provision be made for the costs of this application.

If the Defendant(s) do(es) not acknowledge service, such judgment may be given or order made against or in relation to him as the Court may think just and expedient.

Dated the 25 day of September 2015.



CAMPBELLS, attorneys for the Plaintiff

NOTE - 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 that date unless renewed by order of the Court.

IMPORTANT

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

SCHEDULE

	Name	Address
(2)	Joanne Renee Anglin-Haynes and Osbourne Fernando St. Garcia Haynes	Unit 1 Building A, Scholar's Retreat PO Box 30517, Seven Mile Beach Grand Cayman KY1-1203
(3)	Skeeter F. Robinson	Unit 2 Building A, Scholar's Retreat PO Box 2120, George Town Grand Cayman KY1-1105
(4)	Ricardo E. Caballero Oritz and Kelly V. Caballero	Unit 3 Building A, Scholar's Retreat PO Box 486, George Town Grand Cayman KY1-1106
(5)	Warren Hugh Murray and Kayann Annalee Murray	Unit 4 Building A, Scholar's Retreat PO Box 1781, George Town Grand Cayman KY1-1109
(6)	Tanya Melisa Nelson Hudgson	Unit 5 Building A, Scholar's Retreat PO Box 1046, George Town Grand Cayman KY1-1102
(7)	Paul Sims Waite	Unit 6 Building A, Scholar's Retreat PO Box 12350, Airport Post Office Grand Cayman KY1-1011
(8)	Wendy Watler-Amaris	Unit 7 Building A, Scholar's Retreat PO Box 424, West Bay Grand Cayman KY1-1302
(9)	Anthony Jim Fraser and Phenicia Elizabeth Fraser	Unit 8, Building A, Scholar's Retreat PO Box 445, West Bay Grand Cayman KY1-1302
(10)	Shamar Gypsiea Frederick and Martinez Lorenzo Frederick	Unit 16 Building B, Scholar's Retreat PO Box 153, West Bay Grand Cayman KY1-1302

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It is also proposed to give notice of this Originating Summons to:

- 1 Registrar of Lands
- 2 Cayman Islands Government, Ministry of Finance, mortgagee of Unit 1, Building A, Scholar's Retreat and holder of restrictions over Units 4, 6, 7 and 8, Building A and Unit 16, Building B, Scholar's Retreat
- 3 Cayman Islands Government, Department of Planning
- 4 Kenneth (Ken) Hall, mortgagee of Units 12, 13 and 14, Building B, Scholar's Retreat
- 5 Cayman National Bank, mortgagee of Unit 16, Building B, Scholar's Retreat