

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 0093 OF 2016

BETWEEN:

ANTHONY RICHARDS

PLAINTIFF

AND:

H.E.B. ENTERPRISES LTD.

1ST DEFENDANT

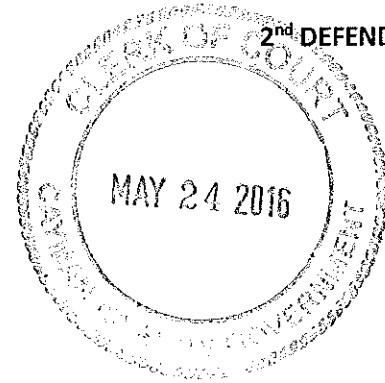
AND:

HENRY E. BODDEN JR.

2ND DEFENDANT



ORIGINATING SUMMONS



TO:

H.E.B. Enterprises Ltd
P.O. Box 249 Savannah
Henry E Bodden Jr.

LET THE DEFENDANTS, within fourteen (14) days after service of this Summons on them, counting the day of service, return the accompanying Acknowledgment of Service to the Courts Office, PO Box 495, George Town, Grand Cayman KY1-1106, Cayman Islands.

By this Summons, which is issued on the application of Anthony Richards c/o Samson & McGrath, Attorneys at Law, 5th Floor Genesis Building, George Town Grand Cayman, PO Box 446 G.T., the Plaintiff claims against the Defendants:

1. A declaration that the 1st defendant or his servant, agent or assignee the 2nd defendant has rescinded agreements dated 28 December 1994 and July 1997 made between the plaintiff and the 1st defendant for the purchase of properties known as George Town Central 14C 296 H10 and H11 by way of written correspondence sent by email and mail on 18 April 2016.
2. An account of all sums due and owing to the plaintiff from the defendants pursuant to paragraph 6 of the agreements as a consequence of the rescission of the agreements.
3. Interest on all sums found due and owing from the 18th April 2016 until satisfaction of the debt pursuant to the Judicature Law and Judgment Debts (Rates of Interest) Rules as amended.
4. An order for the payment to the plaintiff of the sum found due and owing on the taking of the account.
5. An order that the costs of and incidental to this Originating Summons are paid by the Defendants.
6. Such further and other relief that the Court deems fit.

AND LET THE DEFENDANT within fourteen (14) days after service of this Summons on him counting the day of service, return the accompanying Acknowledgment of Service to the Courts office, PO Box 495, George Town, Grand Cayman KY1-1106, Cayman Islands.

Dated the 24th day of May 2016.

Samson & McGrath

Samson & McGrath

Attorneys-at-Law for the Plaintiff

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 Acknowledgment of Service are given with the accompanying form.

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.

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2ND 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

(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.

THIS ORIGINATING SUMMONS was issued by Samson and McGrath, Attorneys at Law for the Applicant whose address for service is 5th Floor Genesis Building, George Town, Grand Cayman, PO Box 446 G.T.

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.

Samson & McGrath
5th Floor Genesis Building
P.O. Box 446
Grand Cayman KY1 – 1106
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.