



**IN THE GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION**

CAUSE NO: OF 2022

**IN THE MATTER OF AN APPLICATION UNDER SECTION 77 OF THE REGISTERED LAND
ACT (2018 REVISION)**

BETWEEN

NCB TRUST COMPANY (CAYMAN) LIMITED

Plaintiff

AND:

MV CAYMAN LTD.

Defendant

ORIGINATING SUMMONS

TO: MV CAYMAN LTD.
c/o G.K. Management Limited
P. O. Box 10729
Suite 1, Artemis House
67 Fort Street
Grand Cayman KY1-1007
Cayman Islands

LET THE DEFENDANT, within 14 days after service of this Summons on the Defendant (counting the day of service) return the accompanying Acknowledgment of Service to the Court's Office. P.O. Box 495G, George Town, Grand Cayman.

This **Originating Summons** is filed by Collas Crill, Attorneys-at-Law for and on behalf of the Plaintiff, whose address for service is that of its said Attorneys, Floor 2, Willow House, Cricket Square, George Town, PO Box 709, Grand Cayman, KY1-1107, CAYMAN ISLANDS

By this Summons, which is issued on the application of the Plaintiff, of Cricket Square, Elgin Avenue, P.O. Box 31120, Grand Cayman, KY1-1205, Cayman Islands, the Plaintiff seeks the following orders:

1. Pursuant to section 77 of the Registered Land Act (2018 Revision) (the **Act**), the provisions of sections 72(1), 72(2), 73(1) and 75 of the Act (**Sale Provisions**) shall be modified such that:
 - a. The Plaintiff's appointment of Messrs David Griffin and Iain Gow of FTI Consulting (Cayman) Ltd. (the **Receivers**) in respect of the property situate at Parcel 124REM1 in Block 13B of the West Bay Beach South registration section (the **Property**), pursuant to a Deed of Appointment dated 15 March 2022, is confirmed notwithstanding that the Receivers were appointed in accordance with the terms of a collateral charge (as varied) registered as entries number 24, 25 and 28 on the Land Register of the Property (the **Charge**), and not in accordance with the Sale Provisions; and
 - b. The Plaintiff shall be entitled to proceed with the sale of the Property under the Sale Provisions immediately and without further notice to the Defendant, as was agreed between the Plaintiff and the Defendant pursuant to the Charge;
2. Liberty to apply;
3. Such further or other relief as the Court deems appropriate;

This **Originating Summons** is filed by Collas Crill, Attorneys-at-Law for and on behalf of the Plaintiff, whose address for service is that of its said Attorneys, Floor 2, Willow House, Cricket Square, George Town, PO Box 709, Grand Cayman, KY1-1107, CAYMAN ISLANDS

4. The Plaintiff's costs of and occasioned by this Originating Summons shall be paid as expenses properly incurred and incidental to the sale of the Property, out of the proceeds of the sale of the Property in accordance with section 76(a) of the Act.

Dated this 20th day of July 2022



COLLAS CRILL

TO: The Clerk of the Grand Court

Time Estimate: 1 Hour

This **Originating Summons** is filed by Collas Crill, Attorneys-at-Law for and on behalf of the Plaintiff, whose address for service is that of its said Attorneys, Floor 2, Willow House, Cricket Square, George Town, PO Box 709, Grand Cayman, KY1-1107, CAYMAN ISLANDS

Acknowledgment of Service of Originating Summons (O.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 the Defendant.
4. Where the Defendant is sued in a name different from the Defendant's own, the form must be completed by the Defendant 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 that Partner's name.
6. Where the Defendant is sued as an individual TRADING IN A NAME OTHER THAN THAT PERSON'S OWN, the form must be completed by the Defendant with the addition in paragraph 1 of the description "trading as (.....)" after that Defendant's 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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BETWEEN

NCB TRUST COMPANY (CAYMAN) LIMITED

Plaintiff

AND:

MV CAYMAN LTD.

Defendant

**ACKNOWLEDGMENT OF SERVICE
OF ORIGINATING SUMMONS**

If you intend to instruct an Attorney to act for you, give that Attorney 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

PLEASE COMPLETE OVERLEAF

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.

Defendant in person: where the Defendant is acting in person, the Defendant must give the Defendant's post office box number and the physical address of the Defendant's residence or, if the Defendant does not reside in the Cayman Islands, the Defendant must give an address in Grand Cayman where communications for the Defendant 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 the Plaintiff's name, address and reference, if any, in the box below.

NCB TRUST COMPANY (CAYMAN) LIMITED
C/O Collas Crill LLP
Floor 2, Willow House, Cricket Square, George
Town, PO Box 709, Grand Cayman, KY1-1107,
CAYMAN ISLANDS
Reference: SL/50000136.0012

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

